

A G E N D A
HICKORY CITY COUNCIL

June 4, 2024



6:00 p.m.



AGENDA
www.hickorync.gov

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

Hickory City Council
76 North Center Street

June 4, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Steve Caldwell, Mt. Zion Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Frye Regional Medical Center CEO, Dr. Philip Greene - Presentation of the 2023 Community Benefit Report
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of May 21, 2024. **(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 21. **(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 request. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
 - A. Call for a Public Hearing to Consider the Community Development Block Grant FY 2024/2025 Annual Action Plan. **(Authorize Public Hearing for June 18, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
 - B. Approval to Award Retiring MPO Kim Craig her Service Weapon and Badge. **(Exhibit VIII.B.)**

Hickory Police Department requests the City Council award retiring MPO Kim Craig her service weapon (Glock Model - Serial # BUBU435) and badge upon her retirement. MPO Kim Craig retired from the City of Hickory Police Department on March 1, 2024, after completing over 21 years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO Kim Craig upon her retirement from Hickory Police Department. Upon approval from the City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the

service weapon and police badge to MPO Kim Craig upon her retirement from Hickory Police Department.

- C. Approval of the Resolution Accepting the Bid and Awarding the Contract to Chatham Civil Contracting, LLC in the Amount of \$2,110,000, Contingent Upon North Carolina Department of Transportation Concurrence for the 17th Street NW Extension. **(Exhibit VIII.C.)**

Staff requests Council's acceptance of the bid and award of the contract for construction of the Project TIP # HL-0004 – 17th Street NW Extension to Chatham Civil Contracting, LLC, in the amount of \$2,110,000, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The project is funded 80% by North Carolina Department of Transportation 20% by City of Hickory. This new connector will serve as an alternative route to US 321 for local traffic and also provide additional access for the newly planned Appalachian State University Campus. A contractor is needed for the construction of 17th Street NW Extension, including a multi-use path, from 9th Avenue NW to Clement Boulevard NW. The extension would provide a continuous route from US 70 to Clement Boulevard NW and could provide a parallel alternative to US 321. The connection from the 17th Street NE Extension would also provide a safer route for cyclists to reach Aviation Walk that includes a bicycle and pedestrian bridge over US 321 north of Clement Boulevard. Bids were advertised for the project and received on May 9, 2024. Five bids were received and opened, and the results are as follows: Chatham Civil Contracting, LLC – \$2,110,000; Zoladz Construction Company, Inc. – \$3,495,916.75; Kemp Sigmon Construction Company, Inc. - \$2,478,912.35; Neill Grading and Construction Company, Inc. – \$2,259,000; and Mountaineer Contractors, Inc. – \$2,825,976.86. Staff recommends the Council's acceptance and award of the contract for construction of Project TIP # HL-0004 – 17th Street NW Extension to Chatham Civil Contracting, LLC in the amount of \$2,110,000, contingent upon NCDOT concurrence.

- D. Approval of the Resolution to Direct the Expenditure of Opioid Settlement Funds. **(Exhibit VIII.D.)**

The City of Hickory has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids. The allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions (“Opioid Settlement Funds”) are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (“MOA”) and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation (“SAAF”). The City of Hickory has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA. Section E.6 of the MOA states that, before spending opioid settlement funds, the local government's governing body must adopt a resolution that: indicates that it is an authorization for expenditure of opioid settlement funds; states the specific strategy or strategies the municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and states the amount dedicated to each strategy for a specific period of time. In alignment with the NC MOA and SAAF, the City of Hickory authorizes the expenditure of opioid settlement funds as set out in the Resolution. The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$100,000.

- E. Budget Revision Number 22. **(Exhibit VIII.E.)**

1. *To appropriate \$5,428 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*
2. *To appropriate \$17,000 in intergovernmental library revenues towards the construction of an outdoor stage at Patrick Beaver Memorial Library.*

3. *To appropriate \$300,000 in General Fund Balance for the purchase of a replacement HVAC unit for the Hickory Police Department Headquarters.*
4. *To appropriate a total of \$2,110,000 to award the construction contract to Chatham Civil Contracting, LLC for the 17th Street Extension Project. \$1,688,000 will come from Federal Revenue Sources with a local match of \$422,000 from the General Fund.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business

A. Public Hearings

1. Consideration of the Voluntary Contiguous Annexation of 12.45-Acres Located at 2301 21st Avenue NE, Hickory, PIN 3713-08-97-7949, Owned by the City of Hickory – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 12.45 acres of property located at 2301 21st Avenue NE, identified as PIN 3713-08-97-7949. The property is currently vacant and located within the planning jurisdiction of the City of Hickory and zoned Medium Density Residential (R-3). Properties zoned R-3 can be utilized primarily for residential purposes, at a maximum density of eight single-family dwelling units and ten multi-family dwelling units per acre. If annexed, the City staff requested the property be zoned Office and Institution (OI), with their further intentions being the construction of a City Park. The surrounding properties are zoned R-3 Residential and are occupied by detached single-family residences. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having a general circulation in the Hickory area on May 25, 2024.

2. Consideration of Rezoning Petition 24-09 for Property Located at 2301 21st Avenue NE, Owned by the City of Hickory – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

A petition has been submitted requesting the consideration of rezoning property located at 2301 21st Avenue NE from Medium Density Residential (R-3) to Office and Institutional (OI). The subject property is currently zoned R-3 Residential and totals +/- .12.45 acres in total size. The current R-3 zoning district is primarily residential and permits one and two-family residential uses at a density of eight dwelling units per acre and multi-family uses at ten dwelling units per acre. The subject property is currently vacant. The City's intention is to construct a City Park. The Hickory Regional Planning Commission conducted a public hearing on May 22, 2024, to consider the petition. During the public hearing, one person spoke in favor of the rezoning, with no one speaking in opposition of the rezoning. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (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 a general circulation in the Hickory area on May 25, and June 1, 2024.

3. Consideration of the Resolution Directing the Street Improvement Project be Undertaken for Curb and Gutter Petition 24-01 for Property Located at 525 9th Avenue NW – Presented by Public Works Director Steve Miller. **(Exhibit XI.A.3.)**

The City Clerk received a petition from the owner of the property along 9th Avenue NW to install curb and gutter along a portion of their street as per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represents a majority, greater than 50% of the property owner(s) as well as a majority, greater than 50% of the property footage of the property frontage requested in the petition and therefore qualifies as a valid petition. The signature(s) on the petition represent 100% of the property owner(s) affected, who in turn represent 100% of the property footage affected. The City Clerk validated these numbers. Staff recommends Council's approval of the resolution directing the street improvement project be undertaken for curb and gutter petition number 24-01.

The public hearing was advertised in a newspaper having a general circulation in the Hickory area on May 11, 2024.

4. Consideration of the City Manager's FY2024-2025 Recommended Budget – Presented by City Manager Warren Wood. **(Exhibit XI.A.4.)**

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 25, 2024.

B. Departmental Reports

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

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

HISTORIC PRESERVATION COMMISSION

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

PUBLIC ART COMMISSION

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

RECYCLING ADVISORY BOARD

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

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- 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**

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, May 21, 2024, at 6:00 p.m., with the following members present:

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

A quorum was present.

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

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Tamika Garrison, Director of Faith Community Relations Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation for National American Public Works Week.

Mayor Guess asked Public Works Director Steve Miller, Public Utilities Director Shawn Pennell, and any other public services coworkers in attendance to the podium. He commented that all of their City coworkers were special to them, and they appreciated the job that everyone did in the City of Hickory each and every day. This was recognition of Public Works Week and for public services coworkers. Public services coworkers worked 24/7, they were always on call, and they were vital to what they do in the City. A lot of times, the work that they do may go unnoticed. But as soon as the work that they were responsible for quits working, then everybody notices it right away. He commented on behalf of the Council and the citizens, how much they appreciated the job that they do each and every day. Even though he was sure that they did not tell them enough how much they appreciated the job that they did. This was National American Public Works Week. He read the proclamation and presented it to Public Works Director Steve Miller on behalf of all public works coworkers. He thanked those in attendance. Photos were taken.

- B. Recognition of Retiring Public Utilities Director Shawn Pennell.

Mayor Guess commented that Shawn Pennell was a part of the public works crew, and he had announced his retirement. He only had a few more days to make his 30 years. He had a 30-year career at the City of Hickory. He was the Public Utilities Director at the current time, and at least for a few more days. On behalf of the Council and personally he thanked Shawn and his family. His wife, Andrea was present and the rest of his family. He would let him introduce those folks that were present with him. They wanted to say publicly how much they appreciated his loyal and dedicated service over the past 30 years. Mayor Guess talked to his wife about him staying, and she said no, but if they could talk him into staying, they would certainly do that. She was smiling, and he did not think that was going to work. They really appreciated all that he had done and hated to see him go, but he knew that there was another chapter in his life. He certainly had a supportive family that was present with him, and he understood, like the rest of them, that he had a list that probably continued to develop as they were speaking, but they were going to miss him around here, and he was welcome back here anytime.

City Manager Warren Wood asked Public Utilities Director Shawn Pennell to introduce his family.

Public Utilities Director Shawn Pennell introduced his wife Andrea, his oldest daughter Tegan, and her husband Nelson, his youngest daughter Arianna, his mother Vicki, Reed was his middle daughter, and her boyfriend Tanner, who was a quarterback for Alexander Central.

City Manager Warren Wood referred to Tanner and commented that he ran all over them a couple years ago. They could not figure out how to stop him. He thanked Shawn. He had worked with him since 1994. He had done a tremendous job. He had managed \$100 million worth of projects the last few years with the biosolids facility, the Northeast Plant renovation, the construction of a Catawba Wastewater Treatment Plant, Trivium Corporate Center, Riverwalk, Ridgeview Library, that was in addition to all the things that he did every day running a utility department that served 120,000 people in the Catawba Valley. Shawn took over this role a few years ago. Kevin Greer passed away and he asked Shawn if he would take over the operation there. One of the things that had always stuck with him, and only Shawn could say it in with such sincerity, was Kevin was not supposed to die. It was something that kind of sticks with you. He was right. He was not. But Shawn did not hesitate to step in. They were talking the other day you always want to leave the place better than what you found it. There was not anything broken necessarily, but he thought they were in a better position today than they were even a few years ago. That was a testament to Shawn. He came up through the organization. He wanted to retire last year and do some things for his family, and he begged him not to so his family could blame him for not having

him around the last year, but he agreed to do that. He was proud of Shawn and proud of his friendship. He thanked him for all he had done for the City of Hickory.

Public Utilities Director Shawn Pennell thanked City Manager Warren Wood. He appreciated that.

Alderwoman Patton had thoroughly enjoyed listening to his presentations and knowing what he had contributed to the City of Hickory. She did not think people realized how easy their lives were because of people like him. Turn the water on. It was on. But he had certainly made a difference in this community, and she appreciated it.

Alderman Zagaroli commented they were really going to miss him.

Alderwoman Williams thanked Mr. Pennell. She was joking with him that with all his historical knowledge, they may have to be calling every once in a while, to get his expertise.

Mr. Pennell commented there would be a couple of people.

Alderwoman Williams thanked Mr. Pennell.

Mayor Guess had called him last night, and he was mowing his grass. He was talking to him while he was mowing his grass. That was dedicated right there to answer the phone, and know it was him while he was mowing the grass.

Alderman Wood thanked Shawn for his patience with him. He quickly found out that he had an affinity for the details of things. He liked to understand as much as he could about things, and he had been so patient and taught him so much, and he really appreciated that. He thanked him on top of everything that he had done.

Mr. Pennell appreciated the opportunity they had given him and the trust they had given him. Alderwoman Patton said turn the water on. You know that was not him. Those were the guys that were out there every day. The guys in the ditch, midnight, soaking wet, cold. Those guys were the ones that he would say, run utilities, because they do. That was the bread and butter. The hard workers. The guys that were in the water plant. They just gave him what he needed to do and relayed the information to the Council. Those were the guys that were in and out every day. This was National Public Works Week, so those guys were who he wanted to point out tonight that were really doing the work every day. They got to build stuff and play like they were kids again, and it was fun, but they were the ones that were out there sweating every day. He recognized them, too. He thanked Council for all they had allowed him to do and participated in.

City Manager Warren Wood advised that the day after retirement, Shawn was running a 24-hour road race on foot. His wife and daughter were running for 6 hours. It sounds like a lot of fun.

Mayor Guess commented that they could say Shawn runs things.

Council members thanked Shawn. A standing ovation was given.

V. Persons Requesting to Be Heard

- A. Ms. Jo-Ellen Raver, 98 3rd Avenue SE, Apt. 19, Hickory, in Barclay Falls, which was an apartment complex run by the Hickory HUD Agency. She wanted it put on record, she was making an official complaint of elder emotional, mental, psychological abuse of tenants and employees, and gross neglect of services and living conditions and mismanagement by Alanda Richardson. She was the Director. For the record, she had given her full account to each of the members on the Council. She added that she was getting pressure from this woman. She knew she needed to get into the apartments to see what was going on. She had turned in her last complaint and they fixed everything. Today, she had two men coming to the door wanting to get into her place. Something about a bullet hole and some mildew. She did not make another request. They wanted to come in and take pictures. They wanted her to sign some kind of paper. They had never been asked to sign anything around there other than their contract. She felt she was setting her up to a non-compliance thing because she got an email back from her, right after these guys went back to the office, and she was saying that she was non-compliant, and they could not get in. She did not ask her to come back for anything else. She wanted to get in there. There were other issues. She tried to get her neighbors to come down. She had sent pictures. She had seen the water issues. These people had been trying to get this taken care of, for the three years that she had been there. She was one of the ones that had water issues. The rest of them did not get their stuff. They had complained. She really wanted to put that out there, that there was a problem. She would love for everyone to kind of take a really hard look at this, because it was very serious, she thought. There was other information coming to her that needed to be shared as well, but this was not the place for that. She did not know what else to do.

Mayor Guess thanked Ms. Raver. He asked if anyone else wished to address the Council.

Alderman Freeman knew that Council was not required to respond, but certainly he wanted to say thank you so very much for coming. Anytime someone comes to address the City Council, and certainly the other party was not present to defend herself, but anybody that comes saying that they felt like they had been psychologically, and emotionally abused, he just wanted her to know that she had been heard. He thanked her for coming and sharing.

Mayor Guess asked if anyone else wished to address the Council. No one else appeared.

VI. Approval of Minutes

A. Regular Meeting of May 7, 2024.

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of May 7, 2024 be approved. The motion carried unanimously.

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

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

- A. Budget Revision Number 20. (First Reading Vote: Unanimous)
- B. Consideration of Rezoning Petition 24-05 for Property Owned by Bowman Rentals, LLC, Located at 2063 Startown Road, PIN 3721-13-04-3211. (First Reading Vote: Unanimous)
- C. Consideration of Rezoning Petition 24-07 for Property Owned by Jonathan and Mary Bonelli, Located on 5th Avenue NW, PIN 3703-17-02-8192. (First Reading Vote: Unanimous)
- D. Consideration of Rezoning Petition 24-08 for Property Owned by Donald C. Scronce, Located at 2010 Startown Road, PIN 3721-09-05-4815. (First Reading Vote: Unanimous)

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

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

A. Approved the Resolution of Support for Active Transportation Infrastructure Investment Program Planning Grant Application and Matching Funds.

Staff requests Council's approval to apply for Active Transportation Infrastructure Investment Program Planning Grant and matching funds of \$3,575. The Federal Highway Administration has developed the Active Transportation Infrastructure Investment Program Planning & Design Grant program. Trails and greenways have a significant impact on the economic viability of the community through increased levels of tourism as well as the ability to attract and retain businesses such as restaurants, outfitters, lodging, and entertainment. Hickory is home to several parks with trails, walking tracks and greenways. Staff would like to continue building on existing trails to increase connectivity throughout Hickory and other municipalities. This grant will fund a study on the feasibility of creating a trail along the Caldwell Railroad that would provide connections to other municipalities in Caldwell County and to the City of Hickory's trail system and agrees to provide matching funds in the amount of \$3,575. Staff recommend approval of the Active Transportation Infrastructure Investment Program Planning Grant application.

RESOLUTION NO. 24-29
A RESOLUTION OF SUPPORT FOR ACTIVE TRANSPORTATION INFRASTRUCTURE
INVESTMENT PROGRAM PLANNING GRANT APPLICATION AND MATCHING
FUNDS

WHEREAS the Federal Highway Administration has developed the Active Transportation Infrastructure Investment Program Planning & Design Grant program; and

WHEREAS trails and greenways have a significant impact on the economic viability of the community through increased levels of tourism as well as the ability to attract and retain businesses such as restaurants, outfitters, lodging, and entertainment; and

WHEREAS trails and greenways offer quality-of-life benefits to all by providing accessible alternative transportation to community destinations and places of work, as sites for social

and cultural activities, as outdoor workshops for education, as tools for economic revitalization, and as resources for healthy recreation; and

WHEREAS, trails and greenways provide key connections to neighborhoods, parks, and schools, bringing people together to exercise, learn, play, and be outdoors; and

WHEREAS Hickory is home to several parks with trails, walking tracks and greenways including Riverwalk, City Walk, Aviation Walk, Historic Ridgeview Walk, and OLLE Art Walk; and

WHEREAS the parks, greenways, trails, and natural areas in our community provide a common ground for people of all ages and abilities to socialize and gain access our natural, cultural, and historic resources; and

NOW, THEREFORE, BE IT RESOLVED that the City of Hickory supports a Planning Grant application to study the feasibility of creating a trail along the Caldwell Railroad that would provide connections to other municipalities in Caldwell County and to the City of Hickory's trail system and agrees to provide matching funds in the amount of \$3,575.

- B. Approved the Resolution and Agreement for the Administration of Minimal and Overpayment of Ad Valorem Taxes and Approval of the Tax Collection Agreement.

Staff requests Council's approval of the Resolution for the administration of minimal and overpayment of Ad Valorem Taxes with Catawba County. In 1981 the City of Hickory requested the County take complete responsibility for billing and collection of all municipality ad valorem property taxes, both current and delinquent, and subsequently motor vehicle taxes, such actions permissible by interlocal cooperation and joint exercise of powers pursuant to Chapters 105, 153A and 160A of the North Carolina General Statutes ("NCGS"); The County is requesting the execution of an updated Agreement. The agreement replaces and supersedes any prior Agreements between Catawba County and the City of Hickory related to tax collection. This agreement is made to be entered into July 1st, 2024, by and between Catawba County and the City of Hickory and shall remain in effect until amended or repealed. Staff recommends Council's approval of the Resolution for the Administration of Minimal and Overpayment of Ad Valorem Taxes with Catawba County and associated agreement.

RESOLUTION NO. 24-30
RESOLUTION FOR THE ADMINISTRATION OF MINIMAL AND OVERPAYMENT OF
AD VALOREM TAXES

WHEREAS, the administrative costs associated with collecting and refunding minimal ad valorem taxes exceeds the value of the taxes owed or refunded; and

WHEREAS, NCGS § 105-321(f) authorizes a local government to adopt a resolution directing the Tax Assessor and Tax Collector not to collect minimal taxes, which are defined as the combined taxes and fees due on a tax receipt that do not exceed \$5.00, charged on the tax records; and

WHEREAS, NCGS § 105-321(f) further provides the Tax Administrator shall not bill for, or otherwise collect, minimal taxes but shall keep a record of all minimal taxes by receipt number and amount and make a report of the amount of these taxes to the governing body at the time of settlement; and

WHEREAS, NCGS § 105-321(g) authorizes a local government to adopt a resolution directing its Tax Administrator not to mail a refund of an overpayment if the refund is less than \$15.00; and

WHEREAS, NCGS § 105-321(g) further provides that upon adoption of a resolution authorizing the Tax Administrator not to make a refund of an overpayment if the refund is less than \$15.00, the Tax Collector shall make a report of the amount of these refunds to the Hickory City Council; implement a system by which payment of the refund may be made to a taxpayer who comes into the office of the Tax Collector seeking the refund; and as to refunds that are not requested in person by the end of the fiscal year, implement a system to apply the minimal refund as a credit against the tax liability of the taxpayer for ad valorem taxes due for the next succeeding year; and

WHEREAS, NCGS §§ 105-321 (f) and (g) do not apply to taxes on registered motor vehicles; and

WHEREAS, NCGS § 105-357(c) permits the Tax Collector to treat small underpayments of taxes as fully paid.

NOW, THEREFORE, BE IT RESOLVED as follows:

- (1) Pursuant to NCGS § 105-321(f), the Hickory City Council directs the Catawba County Tax Administrator and Tax Collector not to collect minimal taxes, which are the combined taxes and fees due on a tax receipt that do not exceed \$5.00, charged on the tax records. The Tax Administrator must implement the processes required by NCGS § 105-321(f).
- (2) Pursuant to NCGS § 105-321(g), the Hickory City Council authorizes the Catawba County Tax Administrator not to mail a refund of any overpayment if the refund is less than \$15.00. The Tax Administrator must implement processes required by NCGS § 105-321(g).
- (3) Pursuant to NCGS § 105-357(c) the Hickory City Council permits the Catawba County Tax Collector to treat small underpayments of taxes as fully paid. A "small underpayment" is a payment made, other than in person, that is no more than one dollar (\$1.00) less than the taxes due on a tax receipt.
- (4) This Resolution shall remain in effect until repealed or amended by resolution of the City of Hickory's City Council

BE IT FURTHER RESOLVED that this Resolution shall be in effect with respect to Fiscal Year 2024-2025 and shall remain in effect until amended or repealed by resolution of the City of Hickory's City Council.

C. Approved Applying for a Grant to Assist in Funding the Purchase of Bulletproof Vests for Hickory Police Department.

Hickory Police Department requests permission to apply for a grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50% reimbursement for each vest purchased. Since 1999, the Bulletproof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50% funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. The life expectancy of each vest is approximately five years. The Police Department recommends the submission of this grant to receive up to 50% funding to purchase bulletproof vests for police officers.

D. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of 12.45-Acres Located at 2301 21st Avenue NE, Hickory, PIN 3713-08-97-7949, Owned by the City of Hickory. (Authorized Public Hearing for June 4, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-31
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from the City of Hickory requesting annexation of an area described in a petition was received on April 24, 2024, by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

Property of the City of Hickory, containing 12.45-acres more or less, located at 2301 21st Avenue NE, Hickory, NC, and identified as PIN 3713-08-97-7949.

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

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-32
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 June 4, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

Property of the City of Hickory, containing 12.45-acres more or less, located at 2301 21st Avenue NE, Hickory, NC, and identified as PIN 3713-08-97-7949.

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

RESOLUTION NO. 24-33
A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY CITY OF HICKORY AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, the City of Hickory is the owner of certain real property as described herein, which property is located at 2301 21st Avenue NE, Hickory NC and identified as PIN 3713-08-97-7949, containing 12.45-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 21st day of May, 2024, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

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

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on June 4, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled City of Hickory, Voluntary Annexation, Existing Boundary Map 1, subject property outlined in red; City of Hickory, Voluntary Annexation, Existing Zoning, Map 2, subject property outlined in red; City of Hickory, Voluntary Annexation, Aerial Photography, Map 3, 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.
- E. Called for a Public Hearing for Consideration of the City Manager’s FY2024-2025 Recommended Budget. (Authorized Public Hearing for June 4, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).
 - F. Approved a Cemetery Deed Transfer from the City of Hickory to Jerry Wayne Isenhour, and wife, Kathryn Marie Huffman Isenhour, Oakwood Cemetery, J9, Section 58, Plots 1 and 2. (Prepared by Deputy City Attorney Arnita M. Dula).
 - G. Approved a Cemetery Deed Transfer from Pamela Abernethy Parlier, and husband, Judson Timothy Parlier to Frances S. Fincer, married, Oakwood Cemetery, Section 56, Lot 5, Being Plot G. (Prepared by Attorney John G. Fuller).
 - H. Approved Two Locally Administered Projects Program (LAPP) Grant Applications – Surface Transportation Block Grant – Direct Attributable (STBG-DA) to the Hickory Metropolitan Planning Organization.

Staff requests Council’s approval of two Locally Administered Projects Program (LAPP) Applications submittals that include Surface transportation Block Grant – Direct Attributable (STBG-DA) funding to the Greater Hickory Metropolitan Planning Organization (MPO). The City plans to submit two supplemental grant applications to the Greater Hickory Metropolitan Planning Organization: (1) Historic Ridgeview Walk Multi-Use Trail - STBG-DA Supplemental – Additional construction funding to supplement EB-5937 to create a connection between City Walk and the Ridgeview Community and to US 70. Estimated Total STBG-DA Supplemental Cost \$1,612,500, 80% Federal Funding - \$1,290,000, 20% Local Match - \$322,500. (2) US 70 and 4th Street Drive SW Intersection Improvements - STGB-DA Supplemental – Additional construction funding to supplement HL-0002 to create a pedestrian crossing at US 70 and 4th Street Drive SW. Estimated Cost \$500,000, 80% Federal Funding - \$400,000, 20% Local Match - \$100,000. Staff requests the Council’s approval of the resolution supporting the grant applications and committing the 20% match of \$422,500.

RESOLUTION NO. 24-34
 RESOLUTION AUTHORIZING THE CITY OF HICKORY TO SUBMIT APPLICATIONS TO THE GREATER HICKORY METROPOLITAN PLANNING ORGANIZATION IN THE AMOUNT OF \$1,690,000 AND PROVIDE A MATCH OF \$422,500 FOR SURFACE TRANSPORTATION BLOCK GRANT – DIRECT ATTRIBUTABLE (STGB-DA) FUNDS FOR
 Historic Ridgeview Walk (Book Walk) – EB-5937
 US 70 and 4th Street Drive SW Intersection Improvements – HL-0002

WHEREAS, On March 27, 2024 the Greater Hickory Metropolitan Planning Organization (GHMPO) issued a call for projects to agencies in its jurisdiction for Surface Transportation Block Grant-Direct Attributable Funding (STBG-DA). Funds are available to award among four different transportation modals: bicycle and pedestrian, intersections, roadway, and transit. Each agency may submit no more than three (3) projects of not less than \$200,000 each for possible reward. The funding requires a minimum 20 percent local match.

The City of Hickory is submitting applications for the following projects:

- Historic Ridgeview Walk Multi-Use Trail - STBG-DA Supplemental – Additional construction funding to supplement EB-5937 to create a connection between City Walk and the Ridgeview Community and to US 70.

Estimated Total STBG-DA Supplemental Cost \$1,612,500

- 80% Federal Funding - \$1,290,000
- 20% Local Match - \$322,500

- US 70 and 4th Street Drive SW Intersection Improvements - STGB-DA Supplemental – Additional construction funding to supplement HL-0002 to create a pedestrian crossing at US 70 and 4th Street Drive SW.

Estimated Cost \$500,000

- 80% Federal Funding - \$400,000
- 20% Local Match - \$100,000

NOW, THEREFORE BE IT RESOLVED, that the City of Hickory is hereby authorized to submit grant applications in the amount of \$1,690,000 and will commit \$422,500 as a match for the two applications.

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

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens' Advisory Committee at a special called meeting on May 9, 2024.

- Polly Neese, 318 31st Avenue NE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.
- Thomas & Mary Johnson, 1341 32nd Street SE, Conover, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to their house. Assistance would be in the form of a 0% interest deferred loan.
- Mildred Mauney, 520 2nd Street SW, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.

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

- J. Approved the Grant Agreement with the Federal Highway Administration for the Safe Streets for All Comprehensive Safety Action Plan in the amount of \$200,000.

Staff requests Council's approval of the Federal Highway Administration Safe Streets for All Grant Agreement. The Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program, with \$5 billion in appropriated funds over 5 years, 2022-2026. The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. The SS4A program supports the U.S. Department of Transportation's National Roadway Safety Strategy and the goal of zero roadway deaths. The City of Hickory has received a grant from the Federal Highway Administration to create a Safe Streets For All Comprehensive Safety Action Plan in the amount of \$200,000 with an 80/20 local match. Planning and Demonstration Grants provide Federal funds to develop, complete, or supplement a comprehensive safety action plan. A Safety Action Plan aims to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality. The City of Hickory will use the Safe Streets for All Planning Grant to develop a comprehensive Safe Streets and Roads Action Plan that includes key components such as goal setting, safety analysis, equity, and engagement and collaboration. Once the City of Hickory has a comprehensive safety action plan, it may then apply for the Safe Streets for All funding for implementation activities to improve safety on roadways and at intersections. Staff recommends that City Council approve the City's grant agreement with the Federal Highway Administration for the Safe Streets for All Comprehensive Safety Action Plan in the amount of \$200,000 with an 80/20 match (\$160,000 federal/\$40,000 local match).

- K. Approved the Purchase of Scott Safety Self-Contained Breathing Apparatus (SCBA), Cylinders, and Facemasks from Rhinehart Fire Services in the amount of \$690,000.

Staff requests approval of the purchase and replacement of Self-Contained Breathing Apparatus (SCBA) for the fire department. The new SCBA will be purchased using the North Carolina Sheriff's Association Contract # Bid 24-01-0524. The Self-Contained Breathing Apparatus is used daily for firefighting and rescue operations by the department. This equipment is standardized by the National Institute for Occupational Safety & Health (NIOSH) and the National Fire Protection Association (NFPA) and periodically receives Edition Updates. The current SCBA being used in the department is meeting the 2013 Edition of NFPA 1981: Standard on Open-Circuit Self Contained Breathing Apparatus. A program was established to replace all SCBA used within the department at the same time to assist with firefighter training and familiarity. An equipment committee was formed and selected the Scott Safety Air Pak based on advancements in technology, improved performance capabilities, and improved safety features. The purchase will replace Seventy (70) Scott Safety Self-Contained Breathing Apparatus (SCBA), forty-two (42) Cylinders, and one-hundred thirty (130) Facemasks. Staff recommends approval of the purchase of the aforementioned equipment from Rhinehart Fire Services in the amount of \$690,000.

- L. Approved on First Reading Budget Revision Number 21.

ORDINANCE NO. 24-21
BUDGET REVISION NUMBER 21

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 are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture & Recreation	12,487	-
Public Safety	392,500	-
TOTAL	404,987	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services	12,487	-
Other Financing Sources	390,000	-
Restricted Intergovernmental	2,500	-
TOTAL	404,987	-

SECTION 2. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of 1.821-Acres Located at 2326 12th Avenue Drive NE, Hickory, PIN 3723-13-03-2690, Owned by Terry Dean Hollar – Presented by Planning Director Brian Frazier.

Consideration of the voluntary contiguous annexation of 1.821 acres of property located at 2326 12th Avenue Drive NE. identified as PIN 372313032690. The property is currently occupied by a single-family residence and located within the City’s extraterritorial jurisdiction. The property owner is requesting annexation in order to gain access to City utilities. The current tax value of the property is \$158,800. If annexed, the property would generate \$722.54 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 11, 2024.

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

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with the voluntary contiguous annexation of 1.821 acres of property located at 2326 12th Avenue Drive NE, owned by Terry Dean Hollar.

Planning Director Brian Frazier gave a PowerPoint presentation. He advised this was a voluntary contiguous annexation located in Alderman Seaver’s Ward. The current development was a single-family residence. There would be no future development besides the existing single-family residence. The annexation was being sought to gain access to sanitary sewer. He referred to a map on the PowerPoint presentation and pointed out the property in question, Springs Road NE, McDonald Parkway, and 12th Avenue Drive NE. He pointed out the City extra-territorial jurisdiction (ETJ), and the City municipal boundary proper. He displayed another map and pointed out the subject property, the R-1, and R-4 districts, which were highest density, CC-2 commercial corridor, and R-3 medium density residential. He displayed another map and pointed out the specific project site Springs Road, McDonald Parkway, and 12th Avenue Drive NE. He discussed the staff’s findings and recommendations. The voluntary annexation petition complied with all applicable State annexation statutes. There were adequate public services

currently available and in sufficient quantities, and the annexation of the property would not cause available public services to fall below acceptable levels. Based upon these findings, staff recommended approval of the requested annexation. He asked for questions.

Mayor Guess asked for any questions for Mr. Frazier. He thanked Mr. Frazier. 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.

Alderman Patton moved, seconded by Alderman Zagaroli approval of the voluntary contiguous annexation of 2326 12th Avenue Drive NE. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 503
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
Terry Dean Hollar

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 21st day of May, 2024; and

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of May, 2024:

Contiguous Annexation
by the City of Hickory
of the property known as
Terry Hollar Property

That certain parcel or tract of land lying and being about 2.9 miles east northeast of the center of the City of Hickory. Bounded on the north by the right-of-way of 12th Avenue Drive NE (S.R. 1441); on the east by the lands of Jeffrey A. Stephens as described in Deed Book 3672 at Page 219; on the south by the 60' right-of-way of 11th Avenue NE; on the west by the lands of Alexis A. Valverde as described in Deed Book 2247 at Page 1073, Richard Jolly, Jr. as described in Deed Book 3544 at Page 1325 and more particularly described as follows, to wit.

Beginning at an iron rod on the south right-of-way of 12th Avenue NE, said rod being located a N.C. grid bearing and distance of South 81 degrees 39 minutes 04 seconds East 3,486.02 feet (NAO 83/2001) from NCGS Monument "Fisher", said monument having N.C. grid coordinates (NAO 83/2001) of N 734,324.35, E 1,316,872.17, the northeast corner of the lands of Richard Jolly, Jr. as described in Deed Book 3544 at Page 1325 and running thence as new City of Hickory city limits lines the following calls: North 29 degrees 31 minutes 18 seconds East 37.1 feet to a point in the centerline of 12th Avenue Drive NE; thence, with the centerline 12th Avenue Drive NE, South 86 degrees 22 minutes 38 seconds East 181.74 feet to a point in the centerline of 12th Avenue Drive NE; thence, leaving said centerline, South 29 degrees 07 minutes 05 seconds West 49.4 feet to an iron pipe on the south right-of-way of 12th Avenue Drive NE, the northwest corner of the lands of Jeffrey A. Stephens as described in Deed Book 3672 at Page 219; thence with the west line of Stephens the same bearing, a distance of 207.90 feet to an iron pipe in the west line of Stephens; thence, continuing with the west line of Stephens the same bearing, a distance of 317.41 feet to a railroad spike in 11th Avenue NE, the southwest corner of Stephens; thence, the same bearing, 6.9 feet to a point in the centerline of 11th Avenue NE; thence, with the centerline of 11th Avenue NE, North 05 degrees 55 minutes 46 seconds West 169.95 feet to a point in the centerline of 11th Avenue NE; thence, leaving said centerline, North 29 degrees 31 minutes 18 seconds East 5.3 feet to an iron rod, the southeast corner of the lands of Alexis A. Valverde as described in Deed Book 2247 at Page 1073; thence, with the east line of Valverde and Jolly the same bearing, a distance of 216.62 feet to an iron pipe in the east line of Jolly; thence, continuing with the east line of Jolly the same bearing, a distance of 215.00 feet to the point of beginning. Containing 2.085 acres more or less.

This description was drawn from a plat by David S. Clark, PLS L-2829, titled "Satellite Annexation by the City of Hickory known as the Terry Hollar Property" and dated March 20, 2024.

Section 2. Upon and after the 31st day of May 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

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

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

2. Approved the Economic Development Agreement with Steel Warehouse of North Carolina, LLC as well as the Associated Agreements with the North Carolina Department of Commerce, and the Western Piedmont Council of Governments – Presentation by Business and Community Development Manager Dave Leonetti.

Staff requests Council's consideration of the Economic Development Agreement with Steel Warehouse of North Carolina, LLC, and approval of agreements with NC Department of Commerce, Steel Warehouse of North Carolina, LLC, and the Western Piedmont Council of Governments to accept and administer a Building Reuse Grant for 2441 and 2511 Highland Avenue NE. Steel Warehouse plans to redevelop a complex of buildings located at 2441 Highland Avenue NE. They plan to invest at least \$27,000,000 and create a minimum of 58 new jobs by the end of 2027. The company plans to use the property as a steel processing facility. Steel Warehouse proposes to create 58 jobs that pay above the median wage for Catawba County. The Building Reuse Grant is offered by the North Carolina Department of Commerce to provide funding to businesses looking to occupy existing buildings. They are eligible for and have been awarded \$240,000 in building reuse grant funding from the NC Department of Commerce. The grant

requires a five percent match from the City of Hickory and Catawba County, which amounts to \$12,000 (\$6,000 each). Staff requests City Council's approval of an Economic Development Agreement with Steel Warehouse of North Carolina, LLC and agreements with NC Department of Commerce, Steel Warehouse of North Carolina, LLC, and the Western Piedmont Council of Governments to accept and administer a Building Reuse Grant for 2441 and 2511 Highland Avenue NE.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on May 9, 2024.

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

City Manager Warren Wood asked Business and Community Development Manager Dave Leonetti to the podium to present Council with an Economic Development Agreement with Steel Warehouse of North Carolina, LLC and associated agreements with the North Carolina Department of Commerce, and Western Piedmont Council of Governments.

Business and Community Development Manager Dave Leonetti gave a PowerPoint presentation. He discussed an economic development project that was a pretty exciting redevelopment project in the eastern part of the City along the rail corridor. The company he would discuss was Steel Warehouse. Steel Warehouse of North Carolina was the company that all these agreements were with. Their parent company was a 75-year-old privately held steel service center based in South Bend, Indiana. They had facilities across the United States, Mexico, and Brazil. They processed over 2 million tons of steel annually and employed about 2,500 folks. Their goal was to enhance their presence in the southeast and especially the North Carolina market. They do a lot of supply to John Deere, Caterpillar, Bobcat, and they hoped that this facility would enable them to better cater to the southeast region. He noted this was located along Highland Avenue, just east of McDonald Parkway. He referred to the PowerPoint and pointed out the location of Sherrill Furniture. The site was 27 acres approximately. It was the former Appalachian Hardwoods facility. This would be a redevelopment of an existing building complex. There were multiple buildings on the site, about 50,000 square feet of which were ready to be repurposed. They were also planning a rail spur that would cross Highland Avenue. He pointed out the location on the PowerPoint slide. This would cross Highland Avenue and create an at-grade rail crossing to enable them to transport the steel either the incoming steel for processing, or then after processing, transport that via rail. They have enough space there, especially on the north side of the property, there was enough space there for additional space, up to about 300,000 total square feet of space.

Mr. Leonetti discussed the terms of the investment and jobs. They were looking at a \$27 million investment over these first five years, with approximately 58 jobs, and an average wage of roughly \$59,500. That was above the County's average wage, which was right around \$54,000. From a tax incentive standpoint, the agreement that Council would be considering tonight, would be a 50% grant of the tax base increase above what was currently there as of January 1, 2024, for five years. The maximum incentive would be around \$336,000. Incentives, it was important to note, were only paid after the property taxes were paid in full. And there were also additional clawbacks if the company did not meet their job and investment thresholds.

Mr. Leonetti mentioned the North Carolina Department of Commerce Building Reuse Grant. The State was also awarding a \$240,000, up to maximum, based on the creation of 30 jobs at \$8,000 per job. The reason that number was lower was because the Building Reuse Grant had a time threshold of two years, and they were looking at five years for the other tax incentive agreement. That was why they were planning on creating 30 jobs within the first two years of the project. This grant would be paid after the jobs were created and maintained for at least six months. There was a 5% match required, and they would be splitting that with Catawba County. That was satisfied by the fourth agreement in Council agenda packets, which was a Grant Administration Agreement with the Western Piedmont Council of Governments, which they would assist with all of their grant reporting and administration requirements.

Mr. Leonetti discussed the four items for the Council's consideration. The first was conducting the public hearing to approve the Economic Development Agreement for the tax incentive piece. Then there was a State agreement for the Building Reuse Grant with the State of North Carolina through the Department of Commerce. There was a City Agreement related to the building reuse grant that described the timeline where the City would payout the grant funds. There were some different possibilities with the State grant, but the way the City had always done it was they do not pay any funds out until jobs are created and maintained

for the six months required by the grant. That way there was no potential clawback because the City and the company would not have received any of the funds. That grant agreement, though they would allow one partial payment if they created 15 jobs and maintained them for six months, they would pay out up to whatever they had created up to that point. Then the fourth was the aforementioned grant administration contract with the Western Piedmont Council of Governments. He asked for questions.

Alderman Patton asked who would keep track of the accounting of that. Was that Western Piedmont that was going to do that?

Mr. Leonetti advised the Western Piedmont Council of Governments, for the Building Reuse Grant, they would receive the North Carolina unemployment insurance, the NCU 101 forms that showed how many employees that they have, and it was based on when the grant was announced by the State, how many folks that they had employed in the State of North Carolina, and then the increases after that grant announcement date.

Alderman Williams asked if he had an approximate timeline from inception to the finished product.

Mr. Leonetti did not, but he believed they plan on getting up and running with the first phase more quickly, hopefully, maybe within the next twelve months.

Alderman Wood asked if Highland Avenue was Department of Transportation (DOT) maintained or was that the City.

Mr. Leonetti advised it was a DOT street.

Mayor Guess asked for any other questions for Mr. Leonetti. He discussed the procedures for the public hearing. He declared the public hearing open and asked if there was anyone present that would like to speak in opposition of this economic development agreement with Steel Warehouse. No one appeared. He asked if anyone would like to speak in favor. No one appeared. He declared the public hearing closed and asked if there was a motion or discussion.

Alderman Patton moved, seconded by Alderman Seaver approval of the Economic Development Agreement with Steel Warehouse of North Carolina, LLC. The motion carried unanimously.

Mayor Guess moved, seconded by Alderman Patton approval of the Building reuse Grant Agreement with the North Carolina Department of Commerce, the City Building Reuse Agreement, and the Grant Administration Contract with the Western Piedmont Council of Governments. The motion carried unanimously.

B. Departmental Reports

1. Approved the Resolution to Oppose the City of Charlotte Inter-basin Transfer Request – Discussion by City Manager Warren Wood.

The North Carolina Environmental Management officials are currently reviewing a request from the City of Charlotte to modify their certificate to increase their current transfer of 33 million gallons per day to 63 million gallons of water per day from the Catawba River Basin to the Rocky River Basin. The 2015 Water Supply Master Plan for the Catawba River projected Charlotte's current IBT would be sufficient through 2065 and that Charlotte should not increase its IBT for its growth needs over the next 30 years. Staff recommends the Council's approval of the Resolution to oppose the City of City of Charlotte inter-basin transfer request.

City Manager Warren Wood gave a PowerPoint presentation. He advised the departmental report was related to the approval of a Resolution opposing the City of Charlotte inter-basin transfer request to the NCDEQ. They were familiar with this issue. The jurisdictions in the region, the majority, had adopted resolutions opposing the Charlotte request for an inter-basin transfer. Hickory was in the Catawba Wateree water basin. It was not a huge water basin. The City of Charlotte was in two basins. They were in the Catawba Wateree and the Yadkin Pee Dee, and also a sub basin of the Rocky River sub basin. Charlotte was not really split in half it was split probably 66% of the Catawba and the rest in the Yadkin Pee Dee. They were requesting an inter-basin transfer to take water that they were currently taking out of the Catawba, so they could continue to grow on the east side to put that water in the Yadkin Pee Dee. That was what they were opposing.

City Manager Warren Wood discussed some points of interest. They made the request of the North Carolina Department of Environmental Quality. They currently

have a 33 million gallon a day inter-basin transfer (IBT). They were asking for another 30 million gallons a day. That would put them at 63 million gallons a day. A few years ago, Hickory contested the Concord/Kannapolis IBT request, and they ended up getting 10 million. That comes from Charlotte water. It was requested by Concord/Kannapolis. That would be 73 million gallons of water a day. If this were approved, that would be coming out of the Catawba and not going back into the Catawba. People think, well we are upstream, it does not matter. That was not the way it works. All the lake levels were balanced. Lake James and Lake Norman were the two biggest lakes. Lake Hickory was not necessarily one of the largest lakes, but all the water was balanced by Duke Energy as a system. This really comes into play during drought periods, which they were not experiencing right now, so they were kind of spoiled. But remember the horrible droughts they had during the first IBT conversation. He discussed the magnitude of this request. The jurisdictions that have water plants that take water out of the Catawba were Morganton, Valdese, Hickory, Granite Falls, and Lenoir. The amount of water that those five jurisdictions, five water plants draw out of the water to be treated was about what they were asking for in 30 million gallons. That was how large that number was compared to what our region uses. Their position was either one of two things, the City of Charlotte should provide the financial means to take water out of the Yadkin and put it back in the Yadkin. But if it takes water out of the Catawba, they should make the investment and make sure the water goes back into the Catawba after it was treated at the wastewater side of it. That was the financial piece of it. Or mother nature was telling them you have reached your limit on growth because that takes the water from everybody else, particularly over time, it impacts everybody else. All the other jurisdictions along the Catawba were subsidizing the City of Charlotte being able to continue to grow. If they remembered, last year, they approved their system development fees. Those were fees that jurisdictions, State law required if they have a system development fee, they have to go through an accounting/environmental process to determine what their fee should be. Everybody sets theirs to accommodate for future growth. As growth came on, they were taking capacity away from the existing system. They pay a system development fee to replace the capacity that they were consuming. Those numbers to make the financial investment, either building a new water plant or expanding one, or pumping the water back, that should be built into their system development fees. It would do one of two things. It would stop growth because the numbers were going to be too high, or they would throw a lot of money off that would allow them to do something other than an IBT because that was the easiest thing. That was the cheapest thing. They had heard all this, and there was not much new with any of that. It was Charlotte Water now as the department that operates their water and sewer system. The City of Charlotte got their initial 33 million gallons a day inter-basin transfer in 2002, and it really went under the radar, there was not a whole lot of discussion about it. Then Concord/Kannapolis came forward and were asking for 36 million gallons a day out of the Catawba into the Rocky River Basin, which feeds into the Yadkin Pee Dee. That was what the fight was about. The settlement was for 10 million gallons a day. But those 10 million gallons comes from the City of Charlotte, but Concord/Kannapolis were tagged with it by the State. That was a long process and a horrible drought. During drought conditions, that really comes more into play because there was less water in the basin for everybody. He referred to the PowerPoint and displayed some historic pictures of the Oxford hydro station, and Oxford dam being built. He asked for questions. The item before the Council was a Resolution opposing Charlotte's request for an inter-basin transfer. They were on the front end of this process. They were in the data gathering, information gathering mode, and eventually a commission of the Department of the DEQ would decide the merits of their request. That would go through the process, and they had a number of things that they needed to do. They would join a list of folks in their region who had already adopted a resolution opposing that transfer.

Alderman Zagaroli asked if this meant a lawsuit.

City Manager Warren Wood commented it depends.

Mayor Guess commented it was premature at this point.

City Manager Warren Wood thought that would be part of the process. That was the way it worked last time. But he did not know. It just depended on factors that came into play.

Alderman Zagaroli commented they were not just going to read the Resolution and say, "oh, okay, that's fine".

City Manager Warren Wood doubted it.

Mayor Guess asked for any other questions. Mayor Guess moved, seconded by Alderwoman Patton, to approve the Resolution to oppose the City of Charlotte Inter-basin Transfer request as described by City Manager Warren Wood. The motion carried unanimously.

RESOLUTION NO. 24-35
RESOLUTION TO OPPOSE THE CITY OF CHARLOTTE INTER-BASIN
TRANSFER REQUEST

WHEREAS, North Carolina Environmental Management officials are currently reviewing a request from the City of Charlotte to modify their certificate increase their current transfer of 33 million gallons per day to 63 million gallons of water per day from the Catawba River Basin to the Rocky River Basin; and

WHEREAS, this latest request is a trend of additional inter-basin transfer water usage from the Catawba River as evidenced by the following:

Charlotte/Mecklenburg's previously approved certificate of 33 million gallons per day inter-basin transfer to the Rocky River in 2002; and

Concord and Kannapolis's previously approved certificate of 10 million gallons per day inter-basin transfer to the Rocky River in 2007; and

WHEREAS, the net effect of the aforementioned actions will result in a total increased usage of 73 million gallons per day from the Catawba River Basin to the Rocky River Basin; and

WHEREAS, the Catawba River and its tributaries are not an unlimited supply of water as evidenced by previous years of drought conditions experienced most notably by the Upper Catawba Basin and the entire State of North Carolina; and

WHEREAS, City of Hickory and the Western Piedmont Region is considered a growth area for the North Carolina with additional water needs in the future; and that there's a valid concern that inter-basin transfers of this magnitude may effectively subsidize growth in receiving areas using the limited water resources of the Catawba River Basin; and

WHEREAS, issues of equity and sustainability are in question, as it involves one region bearing the environmental and infrastructural costs of supporting growth in another region, and it is essential to consider the long-term implications and fairness of such resource allocations; and

WHEREAS, reducing the flow of the Catawba River by transferring water could lead to greater concentrations of pollutants in the river, a reduced flow rate diminishing the river's natural ability to dilute and transport pollutants, and have detrimental effects on aquatic ecosystems, recreational activities, and public health within the Catawba River Basin; and

WHEREAS, the Hickory City Council is concerned the proposed inter-basin transfer will limit the amount of water available for withdraw to support growth in our area due to regulation limits under state and federal laws; and

WHEREAS, the Hickory City Council does hereby express its concern about the long-term availability of water within the Catawba River Basin and believes transferring water from the Catawba River Basin to the Rocky River Basin could indeed limit future growth opportunities for local communities in the Catawba River Basin; and

WHEREAS, the Catawba Wateree Water Resource Management Group is actively working to update its water supply master plan for the entire river basin and Charlotte should wait until that process is complete; and

WHEREAS, previous studies for the Catawba River called for the elimination of inter-basin transfers as a strategy to protect the river and water supplies during drought conditions and an IBT should be a temporary measure to accommodate growth and not a permanent solution; and

WHEREAS, the 2015 Water Supply Master Plan for the Catawba River projected Charlotte's current IBT would be sufficient through 2065 and that Charlotte should not increase its IBT for its growth needs over the next 30 years; and

WHEREAS, Charlotte should instead use that time to implement water infrastructure and policies to eliminate its current IBT certificate issued in 2002; and

WHEREAS, water availability is crucial for sustaining economic development, agriculture, and quality of life in growing communities and if water is diverted elsewhere, it may constrain the ability of communities within the Catawba River Basin to support their own development and population growth; and

WHEREAS, our region should not be forced to give up its potential growth opportunities to subsidize Charlotte growth with our water resources; and

NOW, THEREFORE, BE IT RESOLVED that the Hickory City Council requests that the North Carolina Environmental Management Commission deny the City of Charlotte inter-basin transfer request to modify their certificate to transfer 63 million gallons of water per day from the Catawba River Basin to the Rocky River Basin.

2. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Caucasian (Council Appoints) Cliff Moone Resigned VACANT
 Caucasian (Council Appoints) Macgregor Vanbeurden Resigned VACANT
 Other Minority (Council Appoints) VACANT
 Other Minority (Council Appoints) VACANT

Alderman Zagaroli Nominated Jacob Beaver as a Caucasian Representative on the Community Relations Council.

HICKORY REGIONAL PLANNING COMMISSION

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

HISTORIC PRESERVATION COMMISSION

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

PUBLIC ART COMMISSION

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

RECYCLING ADVISORY BOARD

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

Alderman Zagaroli moved seconded by Alderwoman Patton approval of the above nomination. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Mayor Guess wished Alderwoman Williams a Happy Birthday. Today was her birthday, and instead of taking the evening off, she was here conducting duty and business. He thanked her and wished her a Happy Birthday.

City Manager Warren Wood mentioned that Council had their budget presented in front of them, and they would do the public hearing on that at their next meeting. If they have any questions, just let them know. The statute required that they distribute copies to the City Council and the Clerk before they called for the public hearing, so they did that.

City Manager Warren Wood recognized Marlecia Walker, an Lenoir-Rhyne student interning for the legal department this summer. He welcomed her aboard. They were glad to have her. She would

be under the tutelage of Ms. Dula. They were glad to have a local Lenoir-Rhyne student joining the team this summer. Welcome.

XIV. There being no further business, the meeting adjourned at 6:42 p.m.

Mayor

City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Anna Beth Walker, Community Development Specialist

Contact Person: Anna Beth Walker, Community Development Specialist

Date: May 14, 2024

Re: Call for Public Hearing to consider PY 2024 Annual Action Plan

REQUEST

Call for public hearing to consider the Community Development Block Grant 2024 Annual Action Plan, for submission as required by the U.S. Department of Housing and Urban Development.

BACKGROUND

The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to prepare an Annual Action Plan as an extension of the CDBG Five-Year Consolidated Plan. Funds will be used to develop stronger communities by providing decent housing, creating suitable living environments, and expanding economic opportunities, principally for people of low and moderate incomes. This plan sets priorities among these needs and sets out the action plan for use of available funds on a yearly basis. This provides for flexibility in determining priorities as the needs of the community change from year to year.

ANALYSIS

The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, is preparing the Annual Action Plan for submission to HUD on or before July 5, 2024. The Plan outlines the City's CDBG goals and projects for the entitlement grant of \$340,621 and \$25,000 in expected Program Income. Notice of the availability of this document for public review will be published in the Hickory Daily Record on May 16, 2024, June 6, 2024 and June 18, 2024.

RECOMMENDATION

Staff recommends that City Council call for a public hearing to be held on June 18, 2024 to consider the FY 2024-2025 CDBG Annual Action Plan.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Dave Leonetti ^{OK} 5/14/2024
Initiating Department Head Date

A. Dula 5-28-24
Deputy City Attorney, A. Dula Date

Rodney Miller 5/28/24
Asst. City Manager Rodney Miller Date

R. Beasley 5/29/24
Asst. City Manager, R. Beasley Date

Kari Dunlap 5/29/24
Finance Officer, Kari Dunlap Date

Cameron McHargue 5-30-24
Deputy Finance Officer, Cameron McHargue Date

Yaidee Fox 5/29/24
Asst City Manager Yaidee Fox Date

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

W. Wood
City Manager, W. Wood

5-30-24
Date

To: City Manager’s Office

From: Police Department

Contact: Chief D. Reed Baer III

Date: May 17, 2024

Re: Request to Award Service Weapon & Badge to MPO Kim Craig

REQUEST: Hickory Police Department requests City Council to award retiring MPO Kim Craig her service weapon (Glock Model - Serial # BUBU435) and badge upon her retirement March 1, 2024.

BACKGROUND: MPO Kim Craig retired from the City of Hickory Police Department March 1, 2024, after completing over 21 years of qualifying service to the citizens of Hickory.

ANALYSIS: By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO Kim Craig upon her retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the city’s fixed asset inventory.

RECOMMENDATION: Staff would recommend approval of awarding the service weapon and police badge to MPO Kim Craig upon her retirement from Hickory Police Department.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

D. Reed Baer III **RB**
Initiating Department Head

_____ Date

A. Dula
Deputy City Attorney, A. Dula

5-28-24
Date

Rodney Miller
Asst. City Manager Rodney Miller

5/28/24
Date

R. Beasley
Asst. City Manager, R. Beasley

5/29/24
Date

Kari Dunlap
Finance Officer, Kari Dunlap

5/29/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

5-30-24
Date

Yaidee Fox
Asst. City Manager Yaidee Fox

5/29/24
Date

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

W. Wood
City Manager, W. Wood

5-30-24
Date

COUNCIL AGENDA MEMOS**To: City Manager's Office****From: John Marshall, Transportation Planning Director****Contact Person: John Marshall, Transportation Planning Director****Date: June 4, 2024****Re: Project TIP # HL-0004 – 17th Street NW Extension****REQUEST**

Staff requests Council acceptance and award of the contract for construction of the Project TIP # HL-0004 – 17th Street NW Extension to Chatham Civil Contracting, LLC, in the amount of \$2,110,000.00, contingent upon NCDOT concurrence.

BACKGROUND

The City of Hickory received \$6M from a Surface Transportation Block Grant – Direct Attributable Award from the Greater Hickory Metropolitan Planning Organization (MPO) to extend 17th Street NW from 9th Avenue NW to Clement Blvd NW. This new connector will serve as an alternate to US 321 for local traffic and also provide additional access for the newly planned Appalachian State University Campus.

ANALYSIS

A contractor is needed for the construction of 17th Street NW Extension, including a multi-use path, from 9th Avenue NW to Clement Blvd NW. The extension would provide a continuous route from US 70 to Clement Blvd NW and could provide a parallel alternative to US 321. The connection from the 17th Street NE Extension would also provide a safer route for cyclist to reach Aviation Walk that includes a bicycle and pedestrian bridge over US 321 north of Clement Blvd.

Bids were advertised for the project and received on May 9, 2024. Five bids were received and opened, and the results are as follows;

- Chatham Civil Contracting, LLC – \$2,110,000.00
- Zoladz Construction Company, Inc. – \$3,495,916.75
- Kemp Sigmon Construction Company, Inc. - \$2,478,912.35
- Neill Grading and Construction Company, Inc. – \$2,259,000.00
- Mountaineer Contractors, Inc. – \$2,825,976.86

RECOMMENDATION

Staff recommends Council acceptance and award of the contract for construction of Project TIP # HL-0004 – 17th Street NW Extension to Chatham Civil Contracting, LLC in the amount of \$2,110,000.00, contingent upon NCDOT concurrence.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

LIST THE EXPENDITURE CODE:

**546018
061-5460-577.09-02**

Reviewed by:

John Marshall
Initiating Department Head

05/23/2024
Date

A. Dula
Deputy City Attorney, A. Dula

5-28-24
Date

Rodney Miller
Asst. City Manager Rodney Miller

5/28/24
Date

R. Beasley
Asst. City Manager, R. Beasley

5/25/24
Date

Kari Dunlap
Finance Officer, Kari Dunlap

5/29/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

5-30-24
Date

Yaidee Fox
Asst. City Manager Yaidee Fox

5/29/24
Date

Recommended for approval and placement on June 4, 2024 Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

W. Wood
City Manager, W. Wood

5-30-24
Date

RESOLUTION NO. _____

RESOLUTION BY HICKORY CITY COUNCIL ACCEPTING THE LOWEST RESPONSIBLE BID FROM CHATHAM CIVIL CONTRACTING, LLC IN THE AMOUNT OF \$2,110,000.00 FOR PROJECT TIP # HL-0004 KNOWN AS 17TH STREET NW EXTENSION

WHEREAS, the City of Hickory received five bids and were publicly opened on May 9, 2024 for the construction of HL-0004.

WHEREAS, in the evaluation of the five bidders, Chatham Civil Contracting, LLC was the apparent responsible low bidder for the Grand Total Bid price of \$2,110,000.00.

WHEREAS, the apparent low bid submitted by Chatham Civil Contracting, LLC has been reviewed for compliance with bidding requirements included in the Bidding and Contract Documents.

WHEREAS, based upon the review of Chatham Civil Contracting, LLC qualifications and other documentation submitted as part of the bid evaluation process, their Bid is considered to be complete and responsive with respect to the bidding requirements for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory, North Carolina, as follows:

- 1) City Council accepts the bid of \$2,110,000.00 for the construction of Project TIP # HL-0004 – 17th Street NW Extension.
- 2) City Council authorizes the City Manager to execute all contract(s) and any necessary documents, between the contractor and the City for the construction of Project TIP # HL-0004 – 17th Street NW Extension.
- 3) The award of the Contract will be contingent upon the review and approval of the bid documents by the North Carolina Department of Transportation.


Adopted this the 4th day of June 2024, at Hickory, North Carolina.

ATTEST:

Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form on 28th day of May 2024


Deputy City Attorney for the City of Hickory



STATE OF NORTH CAROLINA
 DEPARTMENT OF TRANSPORTATION

ROY COOPER
 GOVERNOR

J.R. "JOEY" HOPKINS
 SECRETARY

March 28, 2024

John Marshall
 Transportation Planning Manager
 City of Hickory
 PO Box 398
 Hickory, NC 28603

VIA EBS PORTAL

SUBJECT: TECHNICAL AMENDMENT #3 TO AGREEMENT
 Funding Authorization – Construction (CON)
 City of Hickory, Catawba County
 Project HL-0004; WBS Element: 49349.1.1, 49349.2.1, 49349.3.1
 Federal-Aid No: 114326
 Project Name: 17th Street NW extension between 9th Avenue NW
 and Clement Blvd NW

Dear John Marshall:

The NC Department of Transportation has received Federal Highway Administration (FHWA) authorization for Agreement #10923 for Project HL-0004 as indicated in the below table:

<u>PHASE OF WORK</u>	<u>FEDERAL FUND SOURCE</u>	<u>DATE AUTHORIZED</u>
CON	Surface Transportation Block Grant (STBG)	3/26/2024

The Municipality must submit a reimbursement request no later than six (6) months from date of authorization in order to ensure Project funds remain active.

Total available funding authorized to date (sum of federal + non-federal)		\$6,000,000		
PHASE	FEDERAL FUND \$	PERCENTAGE	NON-FEDERAL \$	PERCENTAGE
PE	\$384,000	80%	\$96,000	20%
ROW	\$576,000	80%	\$144,000	20%
CON	\$3,840,000	80%	\$960,000	20%

Mailing Address:
 NC DEPARTMENT OF TRANSPORTATION
 PROGRAMS MANAGEMENT OFFICE
 1595 MAIL SERVICE CENTER
 RALEIGH, NC 27699-1595

Telephone: (919) 707-6600
 Fax: (919) 212-5711
 Customer Service: 1-877-368-4968

Location:
 1020 BIRCH RIDGE DRIVE
 RALEIGH, NC 27610

Website: www.ncdot.gov

Please keep this letter with your Project Agreement, executed 08/16/2021. Authorization of STBG funds may be different from what is currently stated in your executed agreement; however, the change in fund source has no effect on project delivery requirements.

Authorization of one type of funds does not mean that all phases will be authorized with the same fund source; however, once a fund source is authorized for a phase of work, the funding cannot be modified.

A new Technical Amendment letter will be sent out for the following:

- When a new phase of work is authorized
- When different funds are used to increase the authorization on an existing phase of work.

A Supplemental Agreement must be executed if the following occurs:

- An increase in the total amount of funding allocated to a Project
- Change in scope or responsibilities

IMPORTANT

For each new phase of work authorized, the Municipality must also receive a *Notice to Proceed* for the phase of work authorized. This will be a separate letter provided by LPMO or the Division Office.

Please contact me at 919-707-6631 or at jdjorgensen@ncdot.gov if you have any questions.

Sincerely,



Justin Jorgensen
Local Programs Management Office

**A RESOLUTION BY THE CITY OF HICKORY
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

WHEREAS the City of Hickory has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids.

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions (“Opioid Settlement Funds”) are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (“MOA”) and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation (“SAAF”);

WHEREAS the City of Hickory has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS section E.6 of the MOA states that, before spending opioid settlement funds, the local government’s governing body must adopt a resolution that:

- (i) indicates that it is an authorization for expenditure of opioid settlement funds; and,
- (ii) states the specific strategy or strategies the municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and,
- (iii) states the amount dedicated to each strategy for a specific period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA and SAAF, the City of Hickory authorizes the expenditure of opioid settlement funds as follows:

- 1. Strategy authorized:
 - a. Name of strategy: Recovery Support Services
 - b. Strategy is included in Exhibit A
 - c. Item number in Exhibit A to the MOA: #3
 - d. Amount authorized for this strategy: \$100,000
 - e. Period of time during which expenditure may take place:
 - Start date: July 1st, 2024 through End date: June 30, 2025
 - f. Description of the program, project, or activity: Community Navigator Program
 - g. Provider: City of Hickory Police Department

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$100,000.

Adopted this the 4th day of June, 2024.

Hank Guess, Mayor
Hickory City Council

ATTEST:

City Clerk

CITY SEAL

**EXHIBIT A TO NC MOA:
HIGH-IMPACT OPIOID ABATEMENT STRATEGIES (“OPTION A” List)**

In keeping with the National Settlement Agreement, opioid settlement funds may support programs or services listed below that serve persons with Opioid Use Disorder (OUD) or any co-occurring Substance Use Disorder (SUD) or mental health condition.

As used in this list, the words “fund” and “support” are used interchangeably and mean to create, expand, or sustain a program, service, or activity.

1. **Collaborative strategic planning.** Support collaborative strategic planning to address opioid misuse, addiction, overdose, or related issues, including staff support, facilitation services, or any activity or combination of activities listed in Exhibit C to the MOA (collaborative strategic planning).
2. **Evidence-based addiction treatment.** Support evidence-based addiction treatment consistent with the American Society of Addiction Medicine’s national practice guidelines for the treatment of opioid use disorder – including Medication-Assisted Treatment (MAT) with any medication approved for this purpose by the U.S. Food and Drug Administration – through Opioid Treatment Programs, qualified providers of Office-Based Opioid Treatment, Federally Qualified Health Centers, treatment offered in conjunction with justice system programs, or other community-based programs offering evidence-based addiction treatment. This may include capital expenditures for facilities that offer evidence-based treatment for OUD. (If only a portion of a facility offers such treatment, then only that portion qualifies for funding, on a pro rata basis.)
3. **Recovery support services.** Fund evidence-based recovery support services, including peer support specialists or care navigators based in local health departments, social service offices, detention facilities, community-based organizations, or other settings that support people in treatment or recovery, or people who use drugs, in accessing addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
4. **Recovery housing support.** Fund programs offering recovery housing support to people in treatment or recovery, or people who use drugs, such as assistance with rent, move-in deposits, or utilities; or fund recovery housing programs that provide housing to individuals receiving Medication-Assisted Treatment for opioid use disorder.
5. **Employment-related services.** Fund programs offering employment support services to people in treatment or recovery, or people who use drugs, such as job training, job skills, job placement, interview coaching, resume review, professional attire, relevant courses at community colleges or vocational schools, transportation services or transportation vouchers to facilitate any of these activities, or similar services or supports.
6. **Early intervention.** Fund programs, services, or training to encourage early identification and intervention for children or adolescents who may be struggling with problematic use of drugs or mental health conditions, including Youth Mental Health First Aid, peer-based

programs, or similar approaches. Training programs may target parents, family members, caregivers, teachers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

7. **Naloxone distribution.** Support programs or organizations that distribute naloxone to persons at risk of overdose or their social networks, such as Syringe Service Programs, post-overdose response teams, programs that provide naloxone to persons upon release from jail or prison, emergency medical service providers or hospital emergency departments that provide naloxone to persons at risk of overdose, or community-based organizations that provide services to people who use drugs. Programs or organizations involved in community distribution of naloxone may, in addition, provide naloxone to first responders.
8. **Post-overdose response team.** Support post-overdose response teams that connect persons who have experienced non-fatal drug overdoses to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
9. **Syringe Service Program.** Support Syringe Service Programs operated by any governmental or nongovernmental organization authorized by section 90-113.27 of the North Carolina General Statutes that provide syringes, naloxone, or other harm reduction supplies; that dispose of used syringes; that connect clients to prevention, treatment, recovery support, behavioral healthcare, primary healthcare, or other services or supports they need; or that provide any of these services or supports.
10. **Criminal justice diversion programs.** Support pre-arrest or post-arrest diversion programs, or pre-trial service programs, that connect individuals involved or at risk of becoming involved in the criminal justice system to addiction treatment, recovery support, harm reduction services, primary healthcare, prevention, or other services or supports they need, or that provide any of these services or supports.
11. **Addiction treatment for incarcerated persons.** Support evidence-based addiction treatment, including Medication-Assisted Treatment with at least one FDA-approved opioid agonist, to persons who are incarcerated in jail or prison.
12. **Reentry Programs.** Support programs that connect incarcerated persons to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need upon release from jail or prison, or that provide any of these services or supports.

BUDGET REVISION # 22

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

SECTION 1. To amend the General Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
	Culture & Recreation	22,428	
	Public Safety	300,000	
	General Government		422,000
	Other Financing Uses	422,000	
	TOTAL	744,428	422,000
To provide funding for the above, the General Fund revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
	Sales and Services	5,428	
	Restricted Intergovernmental	17,000	
	Other Financing Sources	300,000	
	TOTAL	322,428	-

SECTION 2. To amend the 17th Street Northwest Extension (#546018) Capital Project Ordinance, the expenditures shall be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
	General Government	2,110,000	
	TOTAL	2,110,000	-
To provide funding for the above, the 17th Street Northwest Extension (#546018) revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
	Other Financing Sources	422,000	
	Restricted Intergovernmental	1,688,000	
	TOTAL	2,110,000	-

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.

Adopted this ____ day of _____, 2024

Mayor

Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Mike Kirby, Senior Planner

Date: May 23, 2024

Re: Voluntary contiguous annexation of property owned by the City of Hickory

REQUEST

Consideration of the voluntary contiguous annexation of 12.45 acres of property located at 2301 21st Ave NE. This property is identified as PIN 3713-08-97-7949.

BACKGROUND

The property is currently vacant and located within the planning jurisdiction of the City of Hickory and zoned Medium Density Residential (R-3). Properties zoned R-3 can be utilized primarily for residential purposes, at a maximum density of 8 single-family dwelling units and 10 multi-family dwelling units per acre.

ANALYSIS

If annexed, City of Hickory Staff have requested the property be zoned Office and Institution (OI), with their further intentions being the construction of a city park.

The surrounding properties are zoned R-3 Residential and are occupied by detached single-family residences.

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 recommend approval of the petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier BMF 05/23/2024
Initiating Department Head Date

Amber M Dula 5-28-24
Deputy City Attorney, A. Dula Date

Rodney Miller 5/28/24
Asst. City Manager R. Miller Date

Rod Beasley 5/29/24
Asst. City Manager, R. Beasley Date

Maui Miller 5/29/24
Finance Officer, M. Miller Date

Cameron McHargue 5-30-24
Deputy Finance Officer, Cameron McHargue Date

Yaidee Fox 5/29/24
Asst City Manager Yaidee Fox Date

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

Warren Wood
City Manager, Warren Wood
5-30-24
Date

VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS

APPLICANT: City of Hickory

AGENT: Warren Wood

PROPERTY LOCATION: 2301 21st Ave NE

PIN: 371308977949

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

WARD: If annexed, this property will be located in Ward 1 (Councilman Wood).

ACREAGE: 12.45 acres

DEVELOPMENT POTENTIAL: The property is currently vacant and located within the City of Hickory’s extraterritorial jurisdiction. The property is zoned R-3 Residential, which permits residential development at 8 dwelling units per acre for attached and detached single-family residential and 10 dwelling units per acre for multi-family residential. Given its size, the property could theoretically be developed to accommodate up to 36 dwelling units.

The City of Hickory wishes to rezone the property to Office and Institution (OI) at accommodate the building of a new park.

TAX VALUE: The current tax value of the property is \$106,600.00. If annexed, the property would generate \$0 in additional tax revenues.

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

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

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

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

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

- **North**: The property is zoned R-3 Residential occupied by single-family homes.
- **South**: The property is zoned R-3 Residential and occupied by a single-family home.
- **East**: The property is zoned R-3 Residential and occupied by a single-family home.
- **West**: The property is zoned R-3 Residential and is occupied by a single-family home.

UTILITY SERVICE: Water and sewer infrastructure is available to serve the proposed annexation area. An 8" sewer main runs across the southern edge of the property, and a 6" water line dead ends at the property on 21st Ave NE. Depending on the proposed development this line may have to be extended to provide adequate fire protection.

ACCESS: Access to the subject property is from 21st Avenue NE and 19th Avenue NE, which are maintained by the North Carolina Department of Transportation (SR 1438 and 1437, respectively).

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

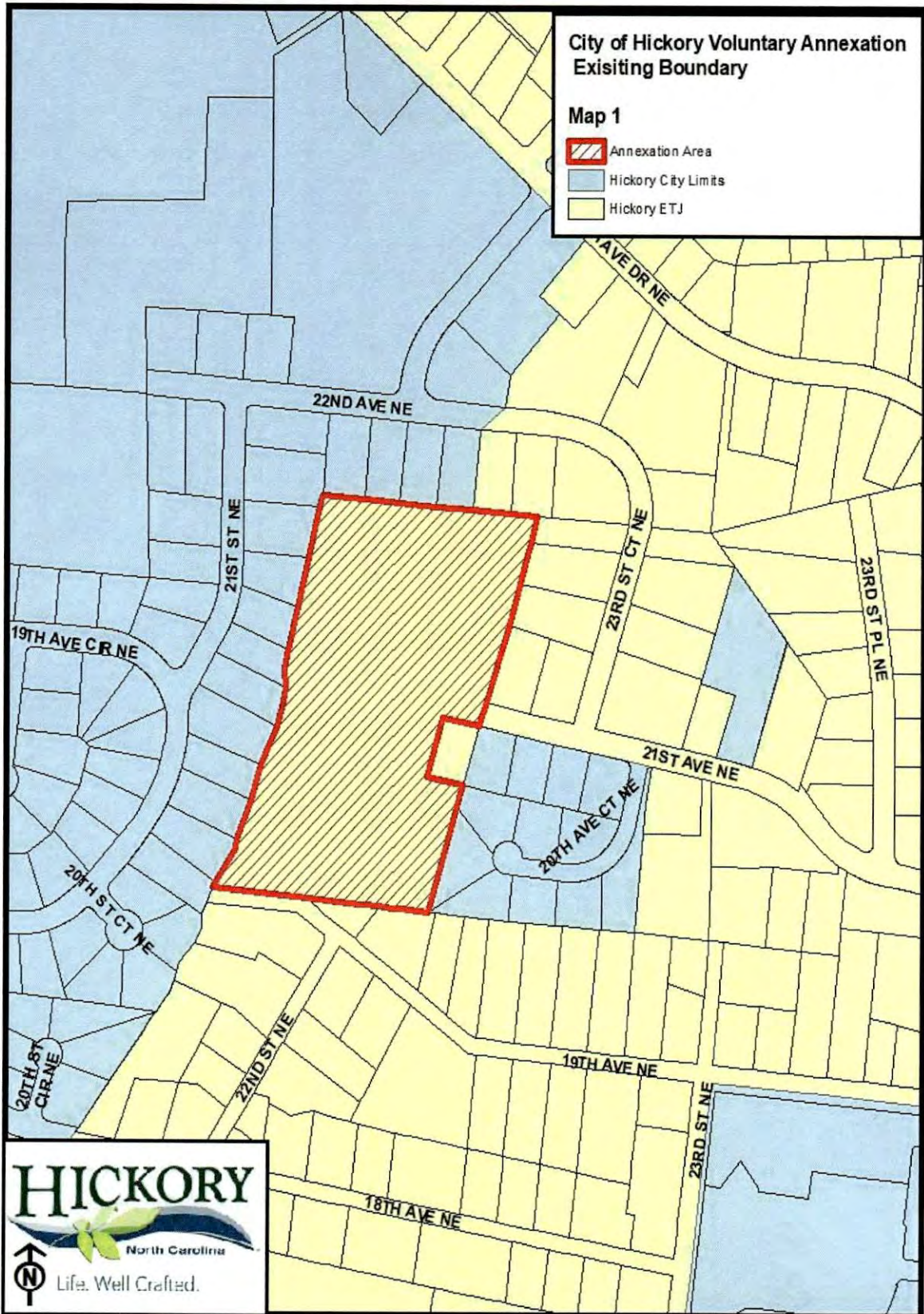
STAFF COMMENTS:

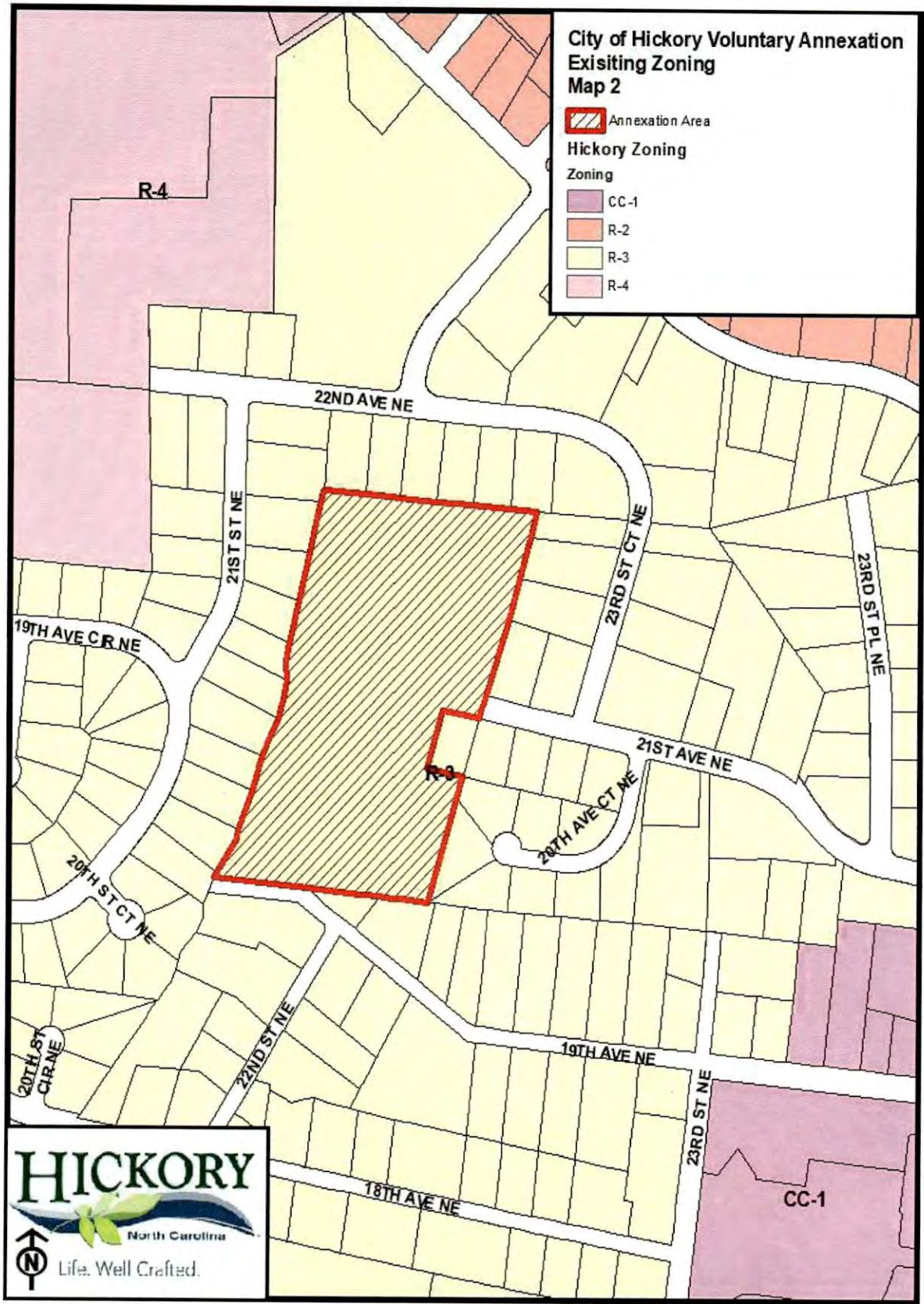
- **Fire**: The annexation of this property, which is currently adjacent to HFD Station 2's response area, would not adversely affect the fire department's operations.
- **Police Department**: Annexation would not adversely affect the police department. The property, upon annexation, will be in Baker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

STAFF RECOMMENDATION: Upon evaluation staff has found the following:

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

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







Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603-0398

ANNEXATION ORDINANCE NO. 502

VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)

City of Hickory

**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 4th day of June, 2024; and

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of June, 2024:

**Contiguous Annexation
of the
City of Hickory
Property located at
2301 21st Avenue NE**

That certain parcel or tract of land lying and being about 3.15 miles northeast of the center of the City of Hickory. Bounded on the north by the existing City of Hickory city limits as shown in Plat Book 18 at Page 8, Plat Book 20 at Page 244, Plat Book 23 at Page 202 and the lands of the following: the City of Hickory as described in Deed Book 1496 at Page 668, Wendy L. Yanes-Vasquez as described in Deed Book 3672 at Page 1517, Ivan O. Cortez Lescano as described in Deed Book 3394 at Page 681, Mee Yang and Viddon Yang, husband and wife, as described in Deed Book 3669 at Page 410, Scot Michael Wildman and wife Lindsay Hahn Wildman as described in Deed Book 3339 at Page 398; on the east by the lands of the following: Wayne M. Beyers and Leigh Ann Byers Benson as described in Deed Book 3812 at Page 1778, Patsy L. Martin and husband Gary A. Martin as described in Deed Book

2813 at Page 761, the 60' right-of-way of 21st Avenue NE (S.R. 1438), Daniel Scott Propst and Monica Gantt Propst as described in Deed Book 3013 at Page 409, Fred Singleton, Jr. and wife Heather D. Singleton as described in Deed Book 3303 at Page 1301, Lynn A. Crouch and wife Karen H. Crouch as described in Deed 1758 at Page 690 and the existing City of Hickory city limits as shown in Plat Book 21 at Page 158; on the south by the lands of Geneva Hart Rowe Heirs 2007E/1075 and the unopened 40' right-of-way of 19th Avenue NE; on the west by Snow Creek, the existing City of Hickory city limits as shown in Plat Book 18 at Page 8 and the lands of the following: Devin Lee Hollar and wife Madison Leann Koci as described in Deed Book 3792 at Page 1476, Henry L. McLeod and wife Rebecca L. McLeod as described in Deed Book 2116 at Page 272, Brian L. and Debra M. Badders Living Trust as described in Deed Book 2937 at Page 1996, Jillcha Wakjira and wife Sidissie Bushen as described in Deed Book 2895 at Page 122, Donald Allan Brown II as described in Deed Book 3295 at Page 1364, Jesse Leonard Beane and wife Jennifer McEachern Beane as described in Deed Book 3457 at Page 1155, Charles W. Wagner and wife Lori P. Wagner as described in Deed Book 3524 at Page 169, David Brawley as described in Deed Book 3662 at Page 358, Dale R. Henrich and wife Diane C. Henrich as described in Deed Book 3701 at Page 1260 and Luis Bernardo Ortiz Sanchez as described in Deed Book 3578 at Page 1115 and more particularly described as follows, to wit.

Beginning at an iron, said iron being the northwest corner of the western terminus of the 60' right-of-way of 21st Avenue NE (S.R. 1438) and running thence, as new City of Hickory city limits the following calls: crossing the western terminus of the 60' right-of-way of 21st Avenue NE (S.R. 1438), South 15 degrees 36 minutes 42 seconds West 60.28 feet to an iron, the northeast corner of Daniel Scott Propst and Monica Gantt Propst as described in Deed Book 3013 at Page 409; thence, with the north line of Propst, North 79 degrees 56 minutes 18 seconds West 100.00 feet to an iron, the northwest corner of Propst; thence, with the west line of Propst, South 15 degrees 36 minutes 42 seconds West 150.00 feet to an iron, the southeast corner of Propst; thence, with the south line of Propst, South 79 degrees 56 minutes 18 seconds East 100.00 feet to an iron, the northwest corner of Fred Singleton, Jr. and wife Heather D. Singleton as described in Deed Book 3303 at Page 1301 and in the existing City of Hickory city limits as shown in Plat Book 21 at Page 158; thence, with the existing city limits the following calls: with the west line of Singleton, South 15 degrees 36 minutes 42 seconds West 63.70 feet to an iron, the northwest corner of Lynn A. Crouch and wife Karen H. Crouch as described in Deed 1758 at Page 690; thence, with the west line of Crouch, South 15 degrees 36 minutes 42 seconds West 261.12 feet to an iron in the north line of Geneva Hart Rowe Heirs 2007E/1075; thence, with the north line of Rowe, North 84 degrees 31 minutes 12 seconds West 131.20 feet to an iron; thence, continuing with the north line of Rowe the same bearing, a distance of 213.48 feet to an iron on the north right-of-way line of the 40' right-of-way of 19th Avenue NE; thence, with said right-of-way the same bearing, a distance of 242.86 feet to an iron in the east line of Devin Lee Hollar and wife Madison Leann Koci as described in Deed Book 3792 at Page 1476 and the existing City of Hickory city limits shown in Plat Book 18 at Page 8; thence, with the existing

city limits the following calls: with the east line of Hollar and Koci, North 24 degrees 59 minutes 01 seconds East 38.38 feet to an iron; thence, continuing with the east line of Hollar and Koci, North 23 degrees 40 minutes 50 seconds East 52.07 feet to an iron, the southeast corner of Henry L. McLeod and wife Rebecca L. McLeod as described in Deed Book 2116 at Page 272; thence, with the east line of McLeod, North 23 degrees 40 minutes 50 seconds East 109.34 feet to an iron; thence, continuing with the east line of McLeod, North 21 degrees 32 minutes 12 seconds East 19.46 feet to an iron, the southeast corner of the Brian L. and Debra M. Badders Living Trust as described in Deed Book 2937 at Page 1996; thence, with the east line of Badders, North 21 degrees 32 minutes 12 seconds East 100.34 feet to an iron, the southeast corner of Jillcha Wakjira and wife Sidissie Bushen as described in Deed Book 2895 at Page 122; thence, with the east line Wakjira and Bushen, North 21 degrees 32 minutes 12 seconds East 101.42 feet to an iron; thence, continuing with the east line of Wakjira and Bushen, North 09 degrees 10 minutes 14 seconds East 6.00 feet to an iron, the southeast corner of Donald Allan Brown II as described in Deed Book 3295 at Page 1364; thence, with the east line of Brown, North 09 degrees 10 minutes 14 seconds East 88.87 feet to an iron, the southeast corner of Jesse Leonard Beane and wife Jennifer McEachern Beane as described in Deed Book 3457 at Page 1155; thence, with the east line of Beane, North 09 degrees 10 minutes 14 seconds East 43.35 feet to an iron; thence, continuing with the east line of Beane, North 06 degrees 55 minutes 51 seconds East 52.05 feet to an iron, the southeast corner of Charles W. Wagner and wife Lori P. Wagner as described in Deed Book 3524 at Page 169; thence, with the east line of Wagner, North 06 degrees 55 minutes 51 seconds East 110.77 feet to an iron, the southeast corner of David Brawley as described in Deed Book 3662 at Page 358; thence, with the east line of Brawley, North 12 degrees 14 minutes 31 seconds East 45.38 feet to an iron; thence, continuing with the east line of Brawley, North 13 degrees 18 minutes 28 seconds East 81.69 feet to an iron, the southeast corner of Dale R. Henrich and wife Diane C. Henrich as described in Deed Book 3701 at Page 1260; thence, with the east line of Henrich, North 13 degrees 18 minutes 28 seconds East 124.43 feet to an iron, the southeast corner of Luis Bernardo Ortiz Sanchez as described in Deed Book 3578 at Page 1115; thence, with the east line of Sanchez, North 13 degrees 18 minutes 28 seconds East 35.83 feet to an iron, the southwest corner of the City of Hickory as described in Deed Book 1496 at Page 668; thence, with the south line of the City of Hickory, South 85 degrees 49 minutes 32 seconds East 110.13 feet to an iron, the southwest corner of the City of Hickory; thence, continuing with the south line of the City of Hickory, South 85 degrees 49 minutes 32 seconds East 99.99 feet to an iron, the southwest corner of Wendy L. Yanes-Vasquez as described in Deed Book 3672 at Page 1517 and the existing City of Hickory city limits as shown in Plat Book 20 at Page 244; thence, with the south line of Yanes-Vasquez and the existing city limits; South 85 degrees 49 minutes 32 seconds East 100.00 feet to an iron, the southwest corner of Ivan O. Cortez Lescano as described in Deed Book 3394 at Page 681 and the existing City of Hickory city limits as shown in Plat Book 23 at Page 202; thence, with the south line of Lescano and the existing city limits, South 85 degrees 49 minutes 32 seconds East 100.00 feet to an iron, the southwest corner of Mee Yang and Viddon Yang, husband and

wife, as described in Deed Book 3669 at Page 410; thence, leaving the existing city limits and as proposed City of Hickory city limits the following calls: with the south line of Yang, South 85 degrees 49 minutes 32 seconds East 100.00 feet to an iron, the southwest corner of Scot Michael Wildman and wife Lindsay Hahn Wildman as described in Deed Book 3339 at Page 398; thence, with the south line of Wildman, South 85 degrees 49 minutes 32 seconds East 87.06 feet to an iron in the south line of Wildman, the northwest corner of Wayne M. Beyers and Leigh Ann Byers Benson as described in Deed Book 3812 at Page 1778; thence, with the west line of Beyers and Benson, South 17 degrees 39 minutes 59 seconds West 175.36 feet to an iron, the northwest corner of Beyers and Benson; thence, continuing with the west line of Beyers and Benson, South 15 degrees 34 minutes 17 seconds West 106.18 feet to an iron, the northwest corner of Patsy L. Martin and husband Gary A. Martin as described in Deed Book 2813 at Page 761; thence, with the west line of Martin, South 15 degrees 36 minutes 42 seconds West 201.62 feet to the beginning. Containing 12.55 acres more or less.

This description was drawn from a plat made by James E. Carswell, PLS L-4494, from deeds and plats of record, titled "Contiguous Annexation of the City of Hickory property located at 2301 21st Avenue NE" and dated April 4, 2024.

Section 2. Upon and after the 30th day of June 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No.1 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 4TH DAY OF JUNE, 2024.

Hank Guess, Mayor

Warren Wood, City Manager

Approved As To Form:

Arnita M. Dula, Deputy City Attorney

CERTIFICATION OF ANNEXATION ORDINANCE

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of the City of Hickory was adopted at a regular meeting of the Hickory City Council held on June 4, 2024, and that said Ordinance is in full force and effective on June 30, 2024.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public in and for said County and State, do hereby certify that Debbie D. Miller, City Clerk for the City of Hickory, personally appeared before me this date and acknowledged the due execution of the foregoing certificate for the purposes therein expressed.

Witness my hand and notarial seal, this _____ day of _____, 2024.

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Wilson Elliot, Planner

Date: May 23, 2024

Re: Consideration of Rezoning Petition 24-09

REQUEST

Conduct a public hearing to consider Rezoning Petition 24-09.

BACKGROUND

A petition has been submitted requesting the consideration of rezoning property located at 2301 21st Ave NE from Medium Density Residential (R-3) to Office and Institutional (OI).

ANALYSIS

The subject property is currently zoned R-3 Residential and totals +/- .12.45 acres in total size. The current R-3 zoning district is primarily residential and permits one and two-family residential uses at a density of eight (8) dwelling units per acre and multi-family uses at ten (10) dwelling units per acre.

The subject property is currently vacant. The City's intention is to construct a city park.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on May 22, 2024, to consider the petition. During the public hearing, one (1) person spoke in favor of the rezoning, with no one speaking in opposition of the rezoning.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of May 22, 2024 staff has two (2) inquiries from citizens regarding this petition. After staff conversation, both citizens were satisfied and did not oppose the rezoning.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier BMF 05/23/2024
Initiating Department Head Date

Rodney Miller 5/28/24
Asst. City Manager, R. Miller Date

Karin Miller 5/29/24
Finance Officer, M. Miller Date

Yaidee Fox 5/29/24
Asst City Manager, Yaidee Fox Date

A. Dula 5-28-24
Deputy City Attorney, A. Dula Date

R. Beasley 5/29/24
Asst. City Manager R. Beasley Date

Cameron McHargue 5-30-24
Deputy Finance Officer, Cameron McHargue Date

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

W. Wood
City Manager, W. Wood

5-30-24
Date

REZONING ANALYSIS

PETITION: 24-09

APPLICANT: City of Hickory

OWNERS: City of Hickory

PROPERTY LOCATION: 2301 21st Avenue NE, Hickory, NC 28601

PIN: 3713-08-97-7949

WARD: This property is located in Ward 1 (Councilman Wood).

ACREAGE: +/- 12.45 Acres

REQUESTED ACTION: Rezone the property from Medium Density Residential (R-3) to Office and Institutional (OI).

BACKGROUND: The property is currently zoned R-3. The rezoning request is an indication that the City desires to use the property for a public park.

DEVELOPMENT POTENTIAL: The subject property is currently zoned R-3 Residential and totals +/- 12.45 acres in total size. The current R-3 zoning district is primarily residential and permits one and two-family residential uses at a density of eight (8) dwelling units per acre.

The subject property is currently occupied by undeveloped land. The City's intention is to utilize the property as a public park, and as of 2022, parks are registered within the Office and Institutional (OI) designation.

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 made up of one of the uses listed in the Hickory by Choice 2030 Comprehensive Plan. This use, as listed in the plan, is as a Park. (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 Office and Institutional (OI) district implements the "Public/Institutional", "Mixed Use Neighborhood Center", "Community Center Commercial", and "General Business" policies of the Hickory by Choice 2030 Comprehensive Plan. The OI district is intended to provide locations for the development of institutions of higher learning and medical hospitals within "Public/Institutional" areas, as identified with the Hickory by Choice Comprehensive Plan. The OI district is also intended to provide for transitional land-uses between residential and commercial uses. OI districts providing transitional areas are generally characterized as smaller sites allowing for small-scale offices.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future open space area that is utilized as a park. This will keep in providing a balance between residential developments and open space.

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

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

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

The subject property has access to a city-maintained roadway (21st Avenue NE), and easily connects to Springs Rd and McDonald Parkway, as well as water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of residential uses. This development pattern will benefit from an open space and park, which are permitted under this zoning classification of Office and Institutional (OI). The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps below for more detail**):

- **North:** The properties are zoned Medium Density Residential (R-3) and are occupied by residential homes.

- **South:** The properties are zoned Medium Density Residential (R-3) and are occupied by residential homes.
 - **East:** The properties are zoned Medium Density Residential (R-3) and are occupied by residential homes.
 - **West:** The properties are zoned Medium Density Residential (R-3) and are occupied by residential homes.
3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of residential uses between 24th Street NE (which runs into McDonald Parkway) and 20th Avenue Drive NE. The rezoning of the property to OI would allow for a useable open space/ park that acts to balance the residential area as seen throughout other neighborhoods in the City.

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

The requested Office and Institutional (OI) zoning will keep with the look of the current area. The permissible uses of OI zoning will aid in enhancing the existing uses of the neighborhood.

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure, as well as police and fire protection. Septic is currently located on the property and has been approved by Catawba County Environmental Health for the use.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued development. The use of the property is a Park, which are usually located within or near residential areas.

Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected. The property was known to be contaminated by an underground storage tank, but a "no further action" letter has been issued by NC DEQ.

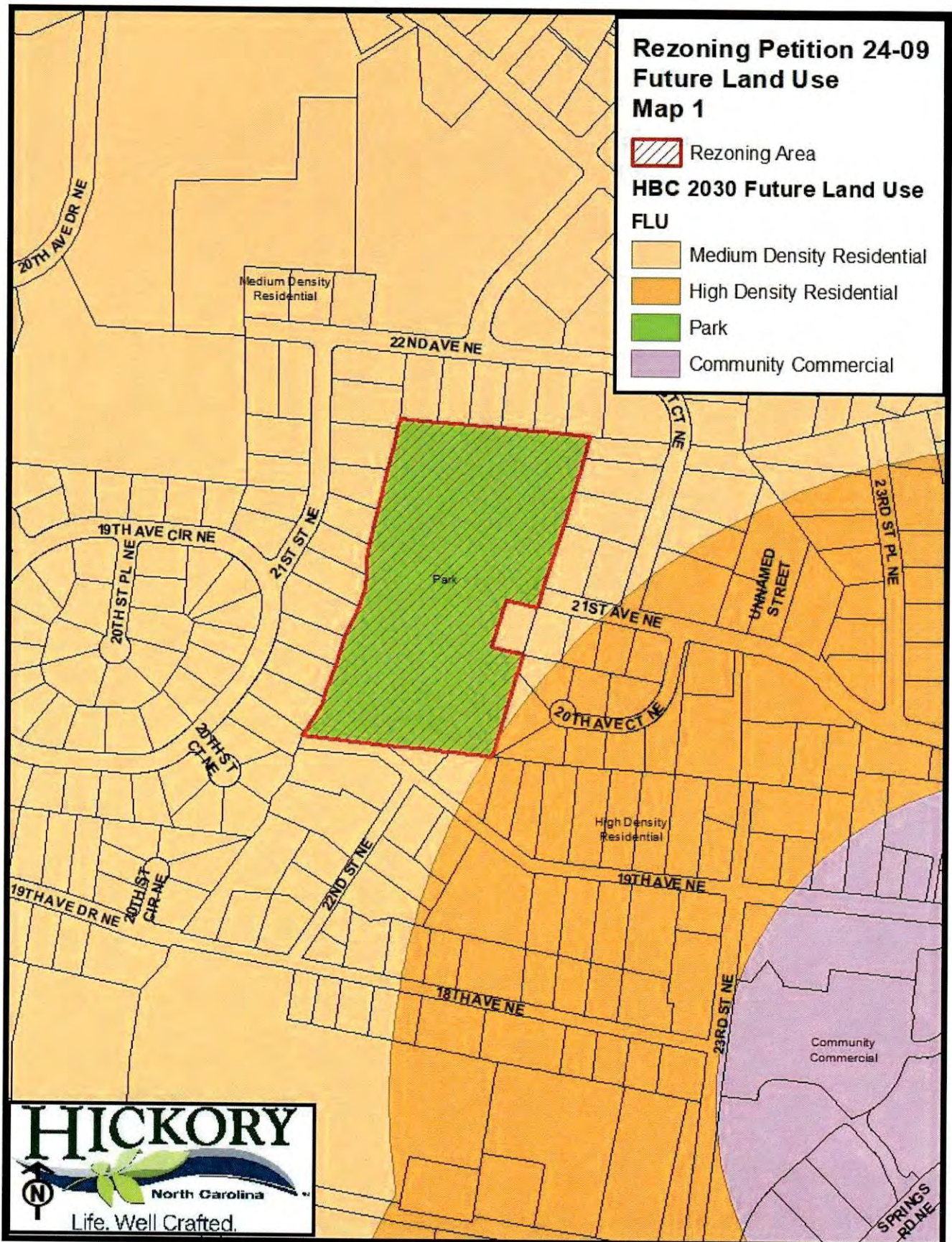
RECOMMENDED ACTION:

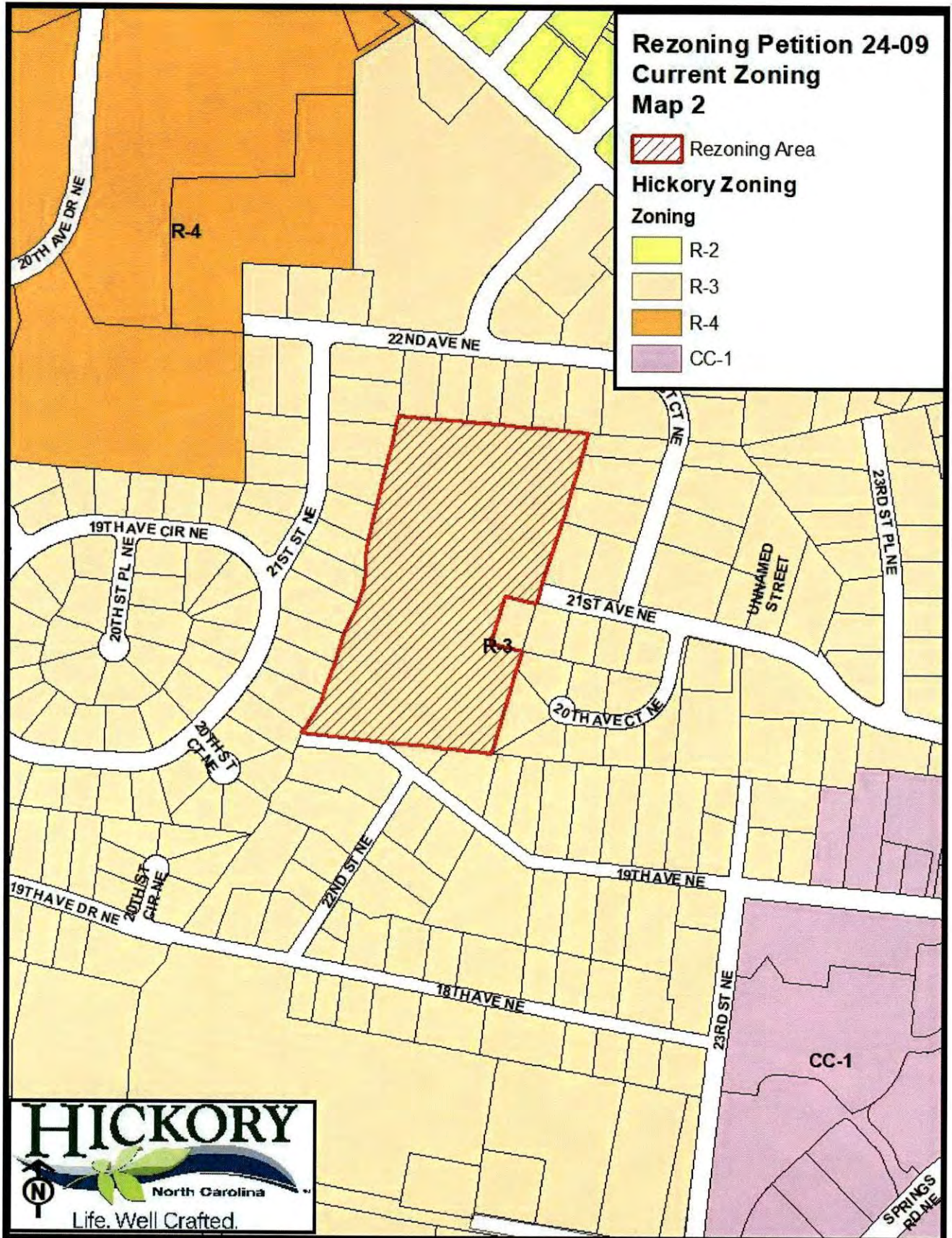
Staff finds Rezoning Petition 24-09 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

1. The Hickory Regional Planning Commission conducted a public hearing on May 22, 2024, to consider the petition. During the public hearing, no one spoke in favor or opposition to the proposed rezoning.
2. 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 (8-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:


As of May 23, 2024, staff has received two (2) inquiries regarding this petition.







Rezoning Petition 24-09 Aerial Map Map 3

 Rezoning Area

Walgreens

Walmart Neighborhood Market

Sheetz





**HICKORY REGIONAL PLANNING COMMISSION
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On May 22, 2024 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 24-09. Upon consideration, the Hickory Regional Planning Commission found:

1. The general area is made up of one of the uses listed in the Hickory by Choice 2030 Comprehensive Plan. This use, as listed in the plan, is as a Park The applicant wishes to rezone the referenced property to Office and Institutional (OI) which would be consistent with the Comprehensive Plan.
2. The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future open space area that is utilized as a park. This will keep in providing a balance between residential developments and open space.
3. All improvements that are to take place on the property will be required to follow all applicable development regulations.

The subject property has access to a city-maintained roadway (21st Avenue NE), and easily connects to Springs Rd and McDonald Parkway, as well as water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

4. The current land use pattern of the larger area consists mainly of residential uses. The rezoning of the property, as discussed, maintains this current pattern.
5. Certain public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure.
6. 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.
7. The requested Office and Institutional (OI) zoning will keep with the look of the current area. The permissible uses of OI zoning will aid in enhancing the existing uses of the neighborhood. The existing development pattern is logical and anticipated by the City's comprehensive planning process. To the maximum extent practical, necessary precautions will be taken to mitigate detrimental impacts in the area.
8. Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure, as

well as police and fire protection. Septic is currently located on the property and has been approved by Catawba County Environmental Health for the use.

9. The subject property will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory Regional Planning Commission has found Rezoning Petition 24-09 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

5/22/24
Date

ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 12.45 ACRES OF PROPERTY LOCATED AT 2301 21st AVE NE FROM MEDIUM DENSITY RESIDENTIAL (R-3) TO OFFICE AND INSTITUTIONAL (OI).

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 +/- 12.45 acres of property located at 2301 21st Ave NE, more particularly described on **Exhibit A** attached hereto, to allow Office and Institutional (OI) districts; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on May 22,2024, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare; and

WHEREAS, the City Council has found Petition 24-09 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

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

SECTION 1. Findings of fact.

- The subject property is located at 2301 21st Ave NE, and identified as PIN 3713-08-97-7949.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Statement of Consistency and Reasonableness

Ordinance NO. _____
Hickory City Council
Page 1 of 5

Upon considering the matter, the Hickory City Council found:

1. The area in question is a Park future land use category listed in the Hickory by Choice 2030 Comprehensive Plan.

The Office and Institutional (OI) zoning designation is a transitional arear between residential and commercial that allows for such uses as small offices, schools, and parks.

Given these factors, the rezoning of the property to Office and Institutional (OI) 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 general area is made up of one of the uses listed in the Hickory by Choice 2030 Comprehensive Plan. This use, as listed in the plan, is as a Park.

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

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

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

The subject property has access to a city-maintained roadway (21st Avenue NE), and easily connects to Springs Rd and McDonald Parkway, as well as water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of residential uses. This development pattern will benefit from an open space and park, which are permitted under this zoning classification of Office and Institutional (OI). The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide

Ordinance NO. _____
 Hickory City Council
 Page 2 of 5

critical public services are in place to service the area. These include public water utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the subject property shall adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.

- The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of residential uses between 24th Street NE (which runs into McDonald Parkway) and 20th Avenue Drive NE. The rezoning of the property to OI would allow for a useable open space/ park that acts to balance the residential area as seen throughout other neighborhoods in the City.

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

The requested Office and Institutional (OI) zoning will keep with the look of the current area. The permissible uses of OI zoning will aid in enhancing the existing uses of the neighborhood.

- The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

Public resources to provide critical public services are in place to service the area. These include public water utilities and transportation infrastructure, as well as police and fire protection. Septic is currently located on the property and has been approved by Catawba County Environmental Health for the use.

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

Any future development that occurs on the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Ordinance NO. _____
 Hickory City Council
 Page 3 of 5

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-09 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

ORDAINED by the City Council of Hickory, North Carolina, this, the _____ day of _____, 2024.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this _____ day of _____, 2024.

Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 5

EXHIBIT A



Ordinance NO. _____
Hickory City Council
Page 5 of 5

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Steve Miller, Public Works Director
Contact Person: Sam Abernethy, PE, Civil Engineer
Date: May 7th, 2024
Re: Curb and Gutter Petition – 24-01

REQUEST

Staff requests the Council's approval of a resolution directing that the street improvement project be undertaken for petition number 24-01. Conduct a public hearing on June 4, 2024 to discuss all matters concerning petition number 24-01 that requests the City to construct curb and gutter in front of the house at 525 9th Avenue NW (PIN 3703-14-44-1205).

BACKGROUND

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

ANALYSIS

Petition number 24-01 was submitted to the City of Hickory and requests the City to construct curb and gutter in front of the house at 525 9th Avenue NW (PIN 3703-14-44-1205). The signature(s) on the petition represent 100% of the property owner(s) affected, who in turn represent 100% of the property footage affected as shown on the attached map and summary. The City Clerk validated these numbers.

RECOMMENDATION

Staff recommends Council's approval of a resolution directing that the street improvement project be undertaken for petition number 24-01 requesting the City construct curb and gutter in front of the house at 525 9th Avenue NW (PIN 3703-14-44-1205).

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Initiating Department Head

Rodney Miller
Asst. City Manager Rodney Miller

Date

5/28/24
Date

Austa M. Dula
Deputy City Attorney, A. Dula

5-28-24
Date

R. Beasley
Asst. City Manager, R. Beasley

5/28/24
Date

Kari Dunlap
Finance Officer, Kari Dunlap

5/29/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

5-30-24
Date

Yaidee Fox
Asst. City Manager Yaidee Fox

5/29/24
Date

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

W. Wood
City Manager, W. Wood

5-30-24
Date

Resolution No. 24-____

Resolution Directing That Street Improvement Project Be Undertaken
(Petition No. 24-01)

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

WHEREAS, the City Clerk has certified to the City Council of the City of Hickory that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the streets or portion of streets hereinabove described; and

WHEREAS, a Preliminary Assessment Resolution was adopted by this City Council and a public hearing thereon duly held.

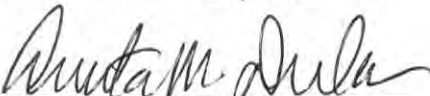
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

1. That a portion of 525 9th Avenue NW, Hickory be improved by placing and constructing thereon curb and gutter under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina and the procedure therein established, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129, of the General Statutes of North Carolina.
2. That 50 percent of the total cost of said improvement, exclusive of so much of the total costs as is incurred in improving the street intersections, be hereafter assessed upon the property receiving the improvements.
3. That the assessment herein provided for shall be payable in cash, or if any property owner shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in five (5) annual installments, said installments to bear interest at the rate of 8 percent per annum.

This 4th day of June, 2024.

Hank Guess, Mayor

Debbie D. Miller, City Clerk



Arnita Dula, Deputy City Attorney

PETITION FOR CONSTRUCTION OF CURB AND GUTTER

PETITION # _____
(For Office Use Only)

QUALIFYING DATE: _____
(For Office Use Only)

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

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

500 block of 9th Ave. NW

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

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

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

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

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

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



SCALE: 1"=100'

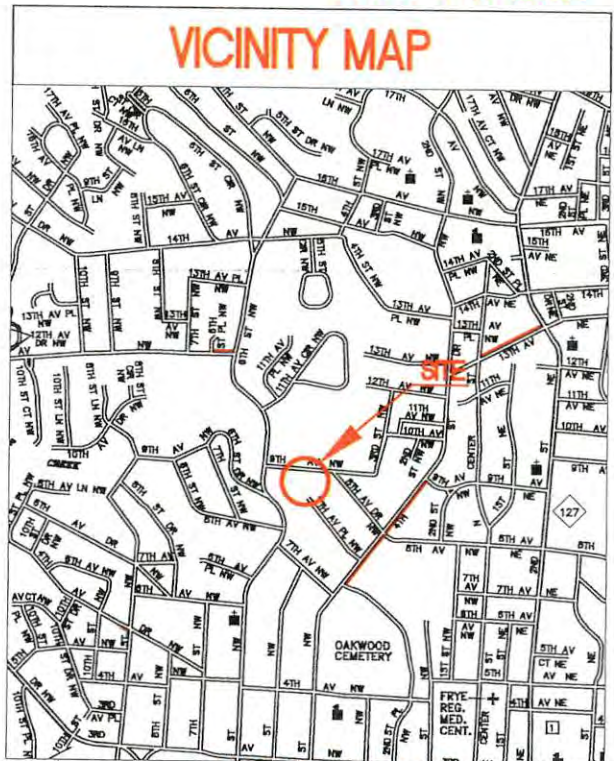
DATE: 4-16-2024

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

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

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

LEGEND	
①	SIGNED
1	NOT SIGNED
—	PROPOSED CG



NOT TO SCALE



Annual Budget Ordinance

**CITY OF HICKORY
Budget Ordinance
Fiscal Year 2024-2025**

BE IT ORDAINED by the Governing Board of the City of Hickory, North Carolina:

SECTION 1: It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Ad Valorem Taxes	\$ 39,580,000
Other Taxes	24,110,000
Unrestricted Intergovernmental Revenues	721,127
Restricted Intergovernmental Revenues	2,973,090
Licenses and Permits	4,500
Sales and Services	2,311,807
Investment Earnings	400,000
Miscellaneous	381,000
Other Financing Sources	<u>3,495,000</u>
	\$ 73,976,524

SECTION 2: The following amounts are hereby appropriated in the General Fund for the operation of the City government and its activities for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore established for this City:

General Government	\$ 14,897,744
Public Safety	31,456,251
Transportation	7,397,099
Economic and Community Development	5,906,440
Culture and Recreation	5,158,242
Other Financing Uses	2,691,924
Debt Service	5,118,824
Contingency	<u>1,350,000</u>
	\$ 73,976,524

SECTION 3: It is estimated that the following revenues will be available in the Water and Sewer Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Restricted Intergovernmental Revenues	\$ 1,545,422
Sales and Services	29,911,690
Investment Earnings	60,000
Miscellaneous	1,600,000
Other Financing Sources	<u>5,700,602</u>
	\$ 38,817,714

Annual Budget Ordinance

SECTION 4: The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore established for this City:

Environmental Protection	\$ 30,868,169
Other Financing Uses	3,116,460
Debt Service	4,433,085
Contingency	<u>400,000</u>
	\$ 38,817,714

SECTION 5: It is estimated that the following revenue will be available in the Sludge Compost Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Restricted Intergovernmental Revenues	\$ 2,312,744
	\$ 2,312,744

SECTION 6: The following amounts are appropriated in the Sludge Compost Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore established for this City:

Environmental Protection	\$ 2,312,744
	\$ 2,312,744

SECTION 7: It is estimated that the following revenue will be available in the Stormwater Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Other Financing Sources	\$ 283,848
	\$ 283,848

SECTION 8: The following amounts are appropriated in the Stormwater Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore established for this City:

Environmental Protection	\$ 283,848
	\$ 283,848

SECTION 9: It is estimated that the following revenues will be available in the Airport Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Sales and Services	\$ 1,929,368
Restricted Intergovernmental Revenues	108,000
Investment Earnings	5,000
Other Financing Sources	<u>250,000</u>
	\$ 2,292,368

Annual Budget Ordinance

SECTION 10: The following amounts are appropriated in the Airport Fund for the operation of Transit and Airport activities for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore established for this City:

Transportation	\$ 2,055,077
Contingency	<u>237,291</u>
	\$ 2,292,368

SECTION 11: It is estimated that the following revenues will be available in the Solid Waste Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Other Taxes	\$ 30,000
Sales and Services	7,295,317
Investment Earnings	30,000
Miscellaneous	2,000
Other Financing Sources	<u>480,446</u>
	\$ 7,837,763

SECTION 12: The following amounts are appropriated in the Solid Waste Fund for the operation of recycling, residential solid waste collection and commercial bulk services activities for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore established for this City:

Environmental Protection	\$ 7,787,763
Contingency	<u>50,000</u>
	\$ 7,837,763

SECTION 13: It is estimated that the following revenue will be available in the Capital Reserve Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Other Financing Sources	<u>\$ 4,640,000</u>
	\$ 4,640,000

SECTION 14: The following amounts are hereby appropriated in the Capital Reserve Fund for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this City:

General Government	\$ 2,300,000
Environmental Protection	1,340,000
Other Financing Uses	<u>1,000,000</u>
	\$ 4,640,000

SECTION 15: It is estimated that the following revenue will be available in the Water and Sewer Capital Reserve Fund for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025:

Other Financing Sources	<u>\$ 3,269,072</u>
	\$ 3,269,072

Annual Budget Ordinance

SECTION 16: The following amounts are hereby appropriated in the Water and Sewer Capital Reserve Fund for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this City:

Other Financing Uses	<u>\$ 3,269,072</u>
	\$ 3,269,072

SECTION 17: The following amounts form the revenue portion of the financial plan for the Fleet Maintenance Fund:

Sales & Services	<u>\$ 3,640,000</u>
	\$ 3,640,000

SECTION 18: The following amounts form the expenditure portion of the financial plan for the Fleet Maintenance Fund:

General Government	<u>\$ 3,640,000</u>
	\$ 3,640,000

SECTION 19: The following amounts form the revenue portion of the financial plan for the Insurance Fund:

Sales & Services	\$ 7,559,430
Investment Earnings	70,000
Other Financing Sources	<u>94,482</u>
	\$ 7,723,912

SECTION 20: The following amounts form the expenditure portion of the financial plan for the Insurance Fund:

General Government	<u>\$ 7,723,912</u>
	\$ 7,723,912

SECTION 21: The operating funds encumbered on the financial records of June 30, 2024 are hereby reappropriated into this budget.

SECTION 22: There is hereby levied a property tax at the rate of forty-five and fifty ten thousandths' cents (\$0.4550) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2024, for the purpose of raising the revenue listed as "Ad Valorem Taxes" in the General Fund in Section 1 of this ordinance. This rate is based on a total estimated valuation of property for the purposes of taxation of \$8,794,701,578 and the Fiscal Year 2024-2025 estimated rate of collection of 99.17%.

SECTION 23: The corresponding "FY 2024-2025 Schedule of Fees" is approved with the adoption of this Annual Budget Ordinance.

Annual Budget Ordinance

SECTION 24: The City Manager (Budget Officer) is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He may transfer amounts between line-item expenditures within the same functional area within a fund without limitation and without a report being required.
- b. He may transfer amounts up to \$350,000 each between functional areas including contingency appropriations within the same fund.
- c. He may not transfer any amounts between funds, except as approved by the Governing Board in the Annual Budget Ordinance as amended.

SECTION 25: The City Manager (Budget Officer) is hereby authorized to execute implementing the FY2024-2025 Annual Budget. To enhance the efficiency of implementing the FY2024-2025 Annual Budget, the Governing Board also grants authority to the City Manager (Budget Manager) to:

- a. Approve lease agreements;
- b. Purchase real property when funds are available in an adopted or amended budget;
- c. Approve applications and agreements for acceptance of grant funds from other governmental units and non-profit organizations;
- d. Approve grant agreements granting funds to public and non-profit organizations;
- e. Dispose of personal property as provided under NCGS 160A-266(c);
- f. Adjust the payment of fees owed to the City when both reasonable and justified;
- g. Approve contracts related to bid awards made by the Governing Board;
- h. Approve settlement agreements;
- i. Approve easements;
- j. Enter into all other contracts and agreements adopted by the Governing Board when authorized to do so under NC General Statutes;
- k. Take all other action that the City Manager is authorized to take under the NC General Statutes.

SECTION 26: Copies of the Annual Budget Ordinance shall be furnished to the City Clerk, to the Governing Board and to the City Manager (Budget Officer) and the Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Annual Budget Ordinance

CITY OF HICKORY
2024 COMMUNITY DEVELOPMENT ENTITLEMENT
BLOCK GRANT PROJECT ORDINANCE

BE IT ORDAINED by the City Council of the City of Hickory that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

SECTION 1. The project authorized is the 2024 Community Development Entitlement Block Grant program.

SECTION 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Housing and Urban Development, and the budget contained herein.

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

Restricted Intergovernmental Revenues	\$340,621
Miscellaneous	<u>25,000</u>
	\$365,621

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

Economic and Community Development	\$365,621
	\$365,621

SECTION 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and Federal and State regulations.

SECTION 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

SECTION 7. Copies of this grant 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.



Annual Budget Ordinance

CITY OF HICKORY OPIOID SETTLEMENT SPECIAL REVENUE FUND

BE IT ORDAINED by the City Council of the City of Hickory that, pursuant to Section 8 of Chapter 159 of the General Statutes of North Carolina, the following Special Revenue Fund is hereby adopted.

SECTION 1. The following revenues are anticipated to be available in the Opioid Settlement Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Miscellaneous Revenues	<u>\$100,000</u>
	\$100,000

SECTION 2. The following amounts are appropriated in the Opioid Settlement Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Public Safety	<u>\$100,000</u>
	\$100,000

Adopted this 18th day of June, 2024

Mayor

Attest:

Debbie Miller

City Clerk