

**A G E N D A**  
**HICKORY CITY COUNCIL**

**August 20, 2024**



Life. Well Crafted.

**6:00 p.m.**



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

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

Hickory City Council  
76 North Center Street

August 20, 2024  
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend William Sturm, Sandy Ridge Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of August 6, 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. Approval of Amending the Parking Enforcement Provisions of the City of Hickory Code or Ordinance. **(First Reading Vote: Unanimous)**
  - B. Budget Revision Number 2. **(First Reading Vote: Unanimous)**
  - C. Consideration of Text Amendment 24-01 to the City's Land Development Code. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
  - A. Approval of the Purchase of Equipment from White's International Truck in the Amount of \$145,728, through the NC State Contract 22-08-0913. **(Exhibit VIII.A.)**

*Staff requests Council's approval of the purchase of a 2024 CV515 SFA (CV515) truck with Adkins model 134-94-DW 11' heavy duty service body with warranty on the cab and chassis in the amount of \$145,728 from White's International Truck, through the NC State Contract 22-08-0913. The equipment is being replaced as a component of the Public Services Street Division's Capital Budget. Specifications were prepared by the Street and Fleet Divisions to ensure the purchase of the type of equipment that would best serve the Division and this model meets all specifications. Staff recommends Council's approval of the purchase of a 2024 CV515 SFA (CV515) truck with Adkins model 134-94-DW 11' heavy duty service body, with warranty on the cab and chassis, in the amount of \$145,728 from White's International Truck through the NC State Contract 22-08-0913.*

- B. Approval of the Contract Amendment with KCI Technologies, Inc. in the Amount of \$43,890 for Grant Administration for the Snow Creek Pump Station Project. **(Exhibit VIII.B.)**

*Staff requests Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$43,890 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station. On January 21, 2024, Public Utilities applied for supplemental grant funding for an Emergency Management Disaster Relief and Mitigation grant through the NC Department of Public Safety (NCDPS). This grant application was intended to assist with cost overruns anticipated due to construction cost increases realized between the FEMA BRIC grant award and projected construction. NCDPS approved this application and awarded the City of Hickory a grant in the amount of up to \$736,523 on May 3, 2024, for Snow Creek Pump Station relocation, flood hardening, and streambank restoration along Snow Creek, which Council approved on June 18, 2024. Council approved the contract with KCI Technologies Inc. for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station on July 19, 2023. This contract amendment will include the necessary grant management, reporting, and reimbursement requests required of the additional Disaster Relief and Mitigation Grant. Staff recommends Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$43,890 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station.*

- C. Approval of the Contract Amendment with KCI Technologies, Inc. in the Amount of \$52,000 for Grant Administration for the Northeast Wastewater Treatment Facility Project. **(Exhibit VIII.C.)**

*Staff requests Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$52,000 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Northeast Wastewater Treatment Facility (WWTF). On January 21, 2024, Public Utilities applied for supplemental grant funding for an Emergency Management Disaster Relief and Mitigation grant through the NC Department of Public Safety (NCDPS). This grant application was intended to assist with cost overruns anticipated due to construction cost increases realized between the FEMA BRIC grant award and projected construction. NCDPS approved this application and awarded the City of Hickory a grant in the amount of up to \$901,669 on May 3, 2024, for flood hardening and streambank restoration along Falling Creek at the Northeast WWTF, which Council approved on June 18, 2024. Council approved the contract with KCI Technologies Inc. for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Northeast WWTF on June 21, 2022. This contract amendment will include the necessary grant management, reporting, and reimbursement requests required of the additional Disaster Relief and Mitigation Grant. Staff recommends Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$52,000 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Northeast WWTF.*

- D. Acknowledgement of the Conflict of Interest for Two Non-Profit Applicants from the City's Community Development Block Grant Program. **(Exhibit VIII.D.)**

*Staff requests Council's acknowledgement of the publication of the notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program (CDBG). The City of Hickory is a participating jurisdiction in the United States Department of Housing and Urban Development's (HUD) Community CDBG program that allows funding to nonprofit organizations to undertake eligible activities. The City has received an application for funding from a nonprofit who has a Citizen's Advisory Committee member who sits on its Board of Directors and another nonprofit who has two current City employees who sit on its Board of Directors. Federal regulations governing the CDBG program require that in order for the applicant to be*

eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application. Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program. The notice is posted on the City's website, City Hall, Patrick Beaver Memorial Library and the Ridgeview Library. Staff requests Council's acknowledgement of the publication of notice of a conflict of interest stemming from two nonprofit's application for funding from the City's Community Development Block Grant Program.

- E. Approval of Change Order Number 1 with Thomas, Gordan and Shook Consulting Engineers, Inc. in the Amount of \$49,897.54, Contingent upon North Carolina Department of Transportation Concurrence. **(Exhibit VIII.E.)**

Staff requests Council's approval of change order number 1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for construction phase services including design modifications and consulting services as directed by the City of Hickory during the construction phase of HL-0004 in the amount of \$49,897.54, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. 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 17<sup>th</sup> Street NW from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. This new connector will serve as an alternative to US 321 for local traffic and provide additional access for the newly planned Appalachian State University Campus. Construction phase services are needed for 17<sup>th</sup> Street NW Extension, including a multi-use path, from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. TGS provided PE and Design service for HL-0004 and this change order will be an extension to their existing contract adding construction phase services including design modifications and consulting services. Staff recommends Council's approval of change order number 1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for design modifications and consulting services related to HL-0004 in the amount of \$49,897.54 contingent upon NCDOT concurrence.

- F. Budget Revision Number 3. **(Exhibit VIII.F.)**

1. To appropriate \$3,000 in grant funds to the Hickory Police Department for event programming costs.
2. To appropriate a total of \$22,305 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.
3. To appropriate \$52,000 in Water & Sewer Fund Balance for grant administration services in a professional services agreement with KCI Technologies for the Northeast Wastewater Treatment Facility Project.
4. To appropriate \$43,890 in Water & Sewer Fund Balance for grant administration services in a professional services agreement with KCI Technologies for the Snow Creek Pump Station Project.
5. To transfer \$49,898 from the General Fund for additional design costs within the 17<sup>th</sup> Street Northwest Extension Project.
6. To appropriate \$1,200,000 towards the 17<sup>th</sup> Street Northwest Extension Project for right of way costs, \$958,000 will come from NCDOT, while \$242,000 will come from the General Fund.
7. To appropriate \$1,130,000 towards the Sandy Ridge Intersection Project for construction costs, \$904,000 will come from NCDOT, while \$226,000 will come from General Fund Balance.
8. To appropriate \$12,789 of General Fund Balance and budget in the Police Department's Contracted Services line item. This amendment is necessary to pay for Smith Rogers PLLC Attorneys at Law for annual legal support. These funds are from State Unauthorized Tax money and are received and reside in General



*Fund Balance until the time of appropriation for specific uses under the State guidelines.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business

A. Public Hearings

1. Consideration of the Voluntary Non-Contiguous Annexation of 15.543-Acres, Located on Kool Park Road, across from 24<sup>th</sup> Street NE, Hickory, PIN 3724-1722-2019, Owned by Limited NC Properties, LLC – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

*Consideration of the voluntary satellite annexation of 15.543 acres of property located on Kool Park Road NE across from 24<sup>th</sup> Street NE, identified as PIN 372417222019. The property is currently located within the City of Hickory's extraterritorial jurisdiction and zoned R-2. The specific zoning permits single family attached and detached dwelling at a rate of 4 units per acre. The property owner has expressed interest in constructing housing on the property, but at this time the type and number of dwellings have not been disclosed. The property owner desires to connect the property to City sewer service, which requires annexation. Surrounding properties are zoned R-1 and R-2 Residential. The surrounding areas consist largely of single-family residences. The current tax value of the property is \$153,700. If annexed, the property would generate \$699 in additional tax revenues. This value does not consider any new lots or residences constructed upon them. Upon analysis, staff determined the petition meets the statutory requirements for voluntary satellite annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.*

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on August 10, 2024.*

2. Consideration of the Voluntary Non-Contiguous Annexation of 17.57-Acres, Located adjacent to 298 19<sup>th</sup> Avenue SE, Hickory, PIN 3701-0767-5744, Owned by Futuro, LLC – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

*Consideration of the voluntary satellite annexation of 17.57 acres of property located adjacent to 298 19<sup>th</sup> Avenue SE, identified as PIN 370107675744. The property is currently located within the City of Hickory's extraterritorial jurisdiction and is being developed as the second and final phase of the Stonebrook residential subdivision. The property is zoned Planned Development, which was initially approved in the late 1990s, and consisted of several hundred single and multi-family homes. Through the years the plans have changed to where the development now consists of only single-family homes. The current approved plans for phase 2 of the development are 185 single-family lots. The property owner desires to connect the property to City sewer service, which requires annexation. Surrounding properties are zoned R-1 and R-2 Residential, as well as Planned Development. The surrounding areas consist of residences and vacant land. The current tax value of the property is \$309,787. If annexed, the property would generate \$1,410 in additional tax revenues. This value does not consider any new lots or residences constructed upon them. Upon analysis, staff determined the petition meets the statutory requirements for voluntary satellite annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.*

The public hearing was advertised in a newspaper having general circulation in the Hickory area on August 10, 2024.

B. Departmental Reports

1. Appointments to Boards and Commissions

**CITIZENS ADVISORY COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) Appointed by City Council

At-Large (Council Appoints) VACANT

At-Large (Council Appoints) VACANT

Alderwoman Patton to Nominate Tara Bland as an At-Large Representative on the Citizens Advisory Committee.

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 1 (Wood Appoints) Lynn Sampson Eligible for Reappointment

At-Large (Outside City but within HRP) (Council Appoints) VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

African American (Council Appoints) VACANT

Caucasian (Council Appoints) VACANT

Caucasian (Council Appoints) VACANT

Caucasian (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Alderwoman Williams to Nominate Charles Anthony Moretz Jr. 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

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 1 (Wood Appoints) VACANT

At-Large (Mayor Appoints) VACANT

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (Freeman Appoints) VACANT

Ward 5 (Zagaroli Appoints) VACANT

Ward 6 (Patton Appoints) VACANT

At-Large (Council Appoints) VACANT

At-Large (Council Appoints) VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Hickory High School  
Homeschool

VACANT  
VACANT

Staff Liaison Recommends the Appointment of Za’Kira Hewitt as a Hickory High School Representative on the Youth Council.

- 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, August 6, 2024 at 6:00 p.m., with the following members present:

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

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

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Charles Kyker, Christ United Methodist Church, and Hickory Police Chaplain
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

- A. Regular Meeting of July 16, 2024.

Alderman Patton moved, seconded by Alderman Williams that the Minutes of July 16, 2024 be approved. The motion carried unanimously.

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

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

- A. Approval of Speed Limit Reduction to 25mph along 20<sup>th</sup> Avenue NW between North Center Street (NC127) and 2<sup>nd</sup> Street NW, and along 20<sup>th</sup> Avenue Drive NW from 20<sup>th</sup> Avenue NW to the End of the Street. (First Reading Vote: Unanimous)
- B. Budget Revision Number 20EC. (First Reading Vote: Unanimous)
- C. Budget Revision Number 1. (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 Alderman Patton approval of the Consent Agenda. The motion carried unanimously.

- A. Approved Awarding the Service Weapon and Badge to Retiring Hickory Police Department Sergeant Randy Isenhour.

Hickory Police Department requests City Council's approval to award Sergeant Randy Isenhour with his service weapon (Glock Model - Serial # UHF233) and badge upon his retirement August 1, 2024. Sergeant Randy Isenhour will retire from the City of Hickory Police Department August 1, 2024, after completing over 29 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 Sergeant Randy Isenhour upon his 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. Staff recommends approval of awarding the service weapon and police badge to Sergeant Randy Isenhour upon his retirement from Hickory Police Department.

- B. Approved the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along 16<sup>th</sup> Street Place SE, Hickory, Petition Number 24-02. (Authorized Public Hearing for September 3, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-46  
 PRELIMINARY RESOLUTION  
 OF THE CITY COUNCIL OF THE CITY OF HICKORY  
 (NO. 24-02)

WHEREAS, on the 15<sup>th</sup> day of July, 2024, property owners of 290 16<sup>th</sup> Street Place SE, Hickory, filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the Office of the City Engineer; and

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

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

1. That the above-mentioned petition is found to be sufficient in all respects.
2. That, that portion of 290 16<sup>th</sup> Street Place SE, Hickory be improved by placing and constructing thereon curb and gutter in accordance with plans and specifications on file in the Office of the City Engineer under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.
3. That 50 percent of the total cost of the said improvements may be assessed against the property receiving the improvement for constructing curb and gutter at \$43.50 per linear foot for a total of 160' linear feet excluding driveway cuts, and \$87.50 per linear foot for driveway apron for a total of 26' linear feet, combined being 186' linear feet.
4. That the assessment herein provided for shall be payable in cash, or if the property owners shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment in five (5) equal annual installments, to bear interest at the rate of 8 percent per annum.
5. That a public hearing on all matters covered by this resolution shall be held on September 3, 2024, at 6:00 p.m. in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Certificate of Sufficiency  
(No. 24-02)

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the annexed petition of property owners for the improvement of a portion of 290 16<sup>th</sup> Street Place SE, Hickory was lodged with me on the 17<sup>th</sup> day of July, 2024, and that I have investigated the sufficiency of said petition; and that the results of my investigation are as follows:

The total number of owners of land abutting on the parts of said street proposed by said petition to be improved is three (3). The number of said owners who signed said petition is three (3), a majority.

The total number of lineal feet of said lands upon the parts of the street proposed by said petition to be improved is 186 feet. The number of said lineal feet represented by said owners who signed said petition is 186 feet, a majority.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory, this the 18<sup>th</sup> day of July, 2024.

/s/ Debbie D. Miller, City Clerk

- C. Approved the Purchase of Equipment, plus an Extended Warranty, from Transource Per the NCSA Contract #22-08-0421, in the Amount of \$354,883.20.

Staff requests Council's approval of the purchase of a 2024 New Way Sidewider 29 cab/chassis, in the amount of \$173,962.02, with a New Way Body, in the amount of \$176,049.18, plus an extended warranty, for a total amount of \$354,883.20, per the NCSA Contract #22-08-0421. The City uses automated side loader trucks for collection of refuse

with residential service. This unit is operated daily and will replace a 2017 model. The maintenance of these trucks is very expensive due to the level of difficulty in the hydraulics and electronics, so the division has adopted a practice to replace trucks prior to major expenses for mechanical repairs that typically come with older equipment. The City participates in a buying cooperative with the NCSA. The approved Residential Solid Waste Division Capital Budget includes the purchase of this equipment. Staff recommends Council's approval of the purchase of the equipment from Transource, plus an extended warranty, per the NCSA Contract #22-08-0421, in the amount of \$354,883.20.

- D. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 15.543-Acres, Located on Kool Park Road, across from 24<sup>th</sup> Street NE, Hickory, PIN 3724-1722-2019, Owned by Limited NC Properties, LLC. (Authorized Public Hearing for August 20, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-47  
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 Limited NC Properties, LLC requesting annexation of an area described in a petition was received on July 18, 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 Limited NC Properties, LLC, located on Kool Park Road NE, across from 24<sup>th</sup> Street NE, Hickory, containing 15.543-acres more or less, and identified as PIN 3724-17-22-2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 18<sup>th</sup> day of July 2024.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-48  
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 August 20, 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 Limited NC Properties, LLC, located on Kool Park Road NE, across from 24<sup>th</sup> Street NE, Hickory, containing 15.543-acres more or less, and identified as PIN 3724-17-22-2019.

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. 24-49  
A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OF LIMITED NC PROPERTIES, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Limited NC Properties, LLC is the owner of certain real property as described herein, which property is located on Kool Park Road NE, across from 24<sup>th</sup> Street NE, Hickory, containing 15.543-acres more or less, and identified as PIN 3724-17-22-2019.

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 6<sup>th</sup> day of August 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 August 20, 2024 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on maps entitled Limited NC Properties, LLC, Voluntary Non-Contiguous Annexation Map 1, Current City Boundary, subject property outlined in red; Limited NC Properties, LLC, Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Limited NC Properties, LLC, Voluntary Non-Contiguous Annexation Map 3 and Map 3a, Aerial Photography subject property outlined in red.

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

E. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 17.57-Acres, Located adjacent to 298 19<sup>th</sup> Avenue SE, Hickory, PIN 3701-0767-5744, Owned by Futuro, LLC, (Authorized Public Hearing for August 20, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-50  
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 Futuro, LLC requesting annexation of an area described in a petition was received on July 18, 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 Futuro, LLC, located adjacent to 298 19<sup>th</sup> Avenue SE, Hickory, containing 17.57-acres more or less, and identified as PIN 3701-07-67-5744.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 18<sup>th</sup> day of July 2024.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-51

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 August 20, 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 Futuro, LLC, located adjacent to 298 19<sup>th</sup> Avenue SE, Hickory, containing 17.57-acres more or less, and identified as PIN 3701-07-67-5744.

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. 24-52

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

WHEREAS, Futuro, LLC is the owner of certain real property as described herein, which property is located adjacent to 298 19<sup>th</sup> Avenue SE, Hickory, containing 17.57-acres more or less, and identified as PIN 3701-07-67-5744.

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 6<sup>th</sup> day of August 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 August 20, 2024 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on maps entitled Futuro, LLC, Voluntary Non-Contiguous Annexation Map 1, City Boundary, subject property outlined in red; Futuro, LLC, Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Futuro, LLC, Voluntary Non-Contiguous Annexation Map 3 Land Use subject property outlined in red.

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

- F. Approved an Asset Transfer Agreement with Catawba County for Water and Sewer Facilities and Utility Easements.

Staff requests Council’s approval of an Asset Transfer Agreement between City of Hickory and Catawba County for water and sewer facilities and utility easements. In 2008, Catawba County constructed water and sewer facilities along NC Highway 10, Hickory Lincolnton Highway and Rocky Ford Road to serve County owned property. The facilities consist of a 12” water line, a sewer pump station, and 6” sewer force main. The City of Hickory and Catawba County are seeking the asset transfer in order for the City of Hickory to provide water and sewer service to Microsoft Corporation at 3820 Hickory Lincolnton Highway. Along with the water and sewer facilities, associated utility easements will also be transferred. The Asset Transfer is pursuant to the Annexation Agreement with the City of Newton, adopted at the July 19, 2022 Council meeting, to provide water and sewer services to drive economic development. The consideration for the Asset Transfer includes the City agreeing to accept and treat landfill leachate generated by Blackburn Landfill at the County’s current disposal rate. The City of Hickory is currently designing extensions to the City’s existing infrastructure to connect to the facilities in the Asset Transfer Agreement. Staff recommends Council’s approval of an Asset Transfer Agreement between City of Hickory and Catawba County for water and sewer facilities and utility easements.

- G. Approved a Microenterprise Grant Agreement with Golden Rule Music School, LLC in the Amount of \$4,000.

Staff requests Council’s approval of a Microenterprise Grant agreement with Golden Rule Music School, LLC. In its 2020-2024 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing entrepreneurship opportunities as a high priority need. This includes a program to provide microenterprise grants to businesses looking for funding necessary to take their business to the next level. The 2024 Community Development Block Grant (CDBG) Annual Action Plan has \$4,000 allocated towards assistance for entrepreneurial activities more than \$60,000 remaining from previous plan years. According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assess, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants are required to submit a business plan and have a counseling session with a local business support organization. Owner/Manager Jamie Stephens applied for a Microenterprise Grant to support and enhance his existing small business, Golden Rule Music School. Golden Rule Music School is a local Music School that offers private guitar, bass, piano, ukulele, mandolin, banjo, drum, and percussion lessons. The Business Development Committee reviewed the application and recommended approval of the grant in the amount of \$4,000. The grant funds will be used to purchase equipment and for marketing and promotion. Staff recommends Council’s approval of the Microenterprise Grant Agreement with Golden Rule Music School, LLC.

- H. Approved an Agreement with Rummel, Klepper, & Kahl, LLP for Construction, Engineering, and Inspection (CEI) Services Related to the 17<sup>th</sup> Street NW Extension in the Amount of \$626,814.67, Contingent on NCDOT Concurrence.

Staff requests Council’s approval of an Agreement for Professional Services with Rummel, Klepper, & Kahl, LLP (RK&K) for CEI Services related to the 17<sup>th</sup> Street NW Extension (HL-0004) in the amount of \$626,814.67, contingent on North Carolina Department of Transportation (NCDOT) concurrence. 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 17<sup>th</sup> Street NW from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. This new connector will serve as an alternative to US 321 for local traffic and provide additional access for the newly planned Appalachian State University Campus. A construction, engineering, and inspections firm is needed for construction services for 17<sup>th</sup> Street NW Extension, including a multi-use path, from 9<sup>th</sup> 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 17<sup>th</sup> 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. Rummel, Klepper, & Kahl, LLP (RK&K) was selected based on qualifications-based proposals and was concurred with by NCDOT. RK&Ks fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT (\$501,451.74) and 20% City of Hickory (\$125,362.93). CE&I services include the following: construction inspections, construction materials testing, and construction administration. Staff recommends Council's approval of an Agreement for Professional Services with Rummel, Klepper, & Kahl, LLP (RK&K) for CEI Services related to the 17<sup>th</sup> Street NW Extension (HL-0004) in the amount of \$626,814.67, contingent on NCDOT concurrence.

- I. Approved the Issuance of Pyrotechnic Display Permit(s) to Contracted Pyrotechnics for Fireworks Displays at Lenoir-Rhyne University.

Staff requests Council's approval to issue a pyrotechnic display permit(s) to Contracted Pyrotechnics for fireworks displays at the Lenoir-Rhyne University during the 2024 football season. Justin Hay, Deputy Athletic Director for External Relations at Lenoir-Rhyne University, submitted a request to obtain permission to conduct public fireworks displays on the following dates: September 7, 2024; September 14, 2024; September 28, 2024; October 12, 2024; October 26, 2024; November 2, 2024; and November 16, 2024. There are no rain dates requested. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommend approval of the above pyrotechnics displays.

- J. Approved Applying for the Great Trail State Program Grant Funded by the State of North Carolina in the Amount of \$500,000 with a 2:1 Match of \$250,000 for a Total of \$750,000.

Staff requests Council's approval to apply for the Great Trail State Program Grant funded by the State of North Carolina. For fiscal year 2025, the State of NC allocated \$25 million for trail development throughout the State, including new trail development and the extension of existing trails anywhere in the State. This includes paved trails or greenways, natural surface trails, biking trails, equestrian trails, and any other type of trail recognized by the Department of Natural and Cultural Resources. Staff wish to apply for this \$500,000 grant to reconstruct the elevated boardwalk at Glenn C. Hilton, Jr. Memorial Park. The grant, coupled with a 2:1 local match (\$250,000) for a total of \$750,000, will partially fund the reconstruction of approximately 2,200 feet (0.42 miles) of elevated boardwalk through a tree-shaded wetland area adjacent to the park. This project aligns with the broader City goals of inclusivity and accessibility, ensuring that everyone, regardless of physical ability, can enjoy the serenity and beauty of our natural landscapes. City Staff are working with the engineering firm McGill and Associates on improvements to designs and cost determinations. The application for this grant is due on September 3, 2024. This project has been deemed necessary for the overall benefit of Glenn C. Hilton, Jr. Memorial Park and the overall trail system for the City of Hickory. Staff recommends Council's approval to apply for the Great Trail State Grant Program in the amount of \$500,000 with a 2:1 local match of \$250,000 for a grand total of \$750,000.

- K. Approved on First Reading Amending the Parking Enforcement Provisions of the City of Hickory Code of Ordinances.

Staff requests approval of amending the parking enforcement provisions of the City of Hickory Code of Ordinances for the following: Section 11-47. - Fire Lanes - Section 11-47(d) shall be amended and Section 11-47(e) shall be added; Section 18-121. - Violations shall be amended; Section 18-122. - Enforcement, generally; payment to satisfy violation shall be amended; Section 18-212(e) - shall be deleted; Section 18-213. - Special parking places restricted to handicapped - shall be amended; Section 18-214. - Privileges extended to non-handicapped operator(s) - shall be amended; and Section 18-215. - Penalty for violation - shall be amended. The changes are intended to ensure more effective enforcement and compliance with parking regulations. Staff recommend approval

of the amendments to the parking enforcement provisions of the City of Hickory Code of Ordinances.

ORDINANCE NO. 24-27  
AN ORDINANCE OF THE CITY OF HICKORY  
AMENDING THE PARKING ENFORCEMENT PROVISIONS OF THE CITY OF  
HICKORY CODE OF ORDINANCES

WHEREAS, City Council has determined that it is necessary and will serve the public interest to amend the following parking enforcement provisions of the City of Hickory Code of Ordinances.

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

1. Section 11-47(d) of the Hickory Code of Ordinances shall be amended and Section 11-47(e) shall be added to the Hickory Code of Ordinances to read as follows:

Sec. 11-47. - Fire lanes.

(d) Any person who shall park in a fire lane shall be subject to a civil penalty issued either by the office of the fire marshal or by the police department in accordance to the fee schedule as is set from time to time by the city council. Each violation and any delinquent penalty are not subject to the penalty provisions of N.C.G.S., sec. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of a debt when the violator does not pay the penalty within the prescribed period of time, pursuant to N.C.G.S., sec. 160A-175(c). With respect to any parking violation under any provision of this article, the registered owner of a vehicle that is found to be in violation shall be prima facie responsible for such violation and subject to the penalty therefor.

(e) Notwithstanding subsection (d) of this section, the registered owner of a leased or rented vehicle shall not be prima facie responsible for a violation if, within 30 days of actual notification of the issuance of a civil penalty, the owner provides sworn evidence that the vehicle was, at the time of the violation, leased or rented to another person, along with the name and address of the person who leased or rented the vehicle, in which case the person who leased or rented the vehicle shall be prima facie responsible for the violation. Furthermore, if notification was first given to the owner of a vehicle that was, at the time of the violation, leased or rented to another person, after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

2. Section 18-121 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-121. - Violations.

(a) Any person violating any provision of this article shall be subject to a civil penalty in accordance to the fee schedule as is set from time to time by the city council. Each violation and any delinquent penalty are not subject to the penalty provisions of N.C.G.S., sec. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of a debt when the violator does not pay the penalty within the prescribed period of time, pursuant to N.C.G.S., sec. 160A-175(c). With respect to any parking violation under any provision of this article, the registered owner of a vehicle that is found to be in violation shall be prima facie responsible for such violation and subject to the penalty therefor.

(b) Notwithstanding subsection (a) of this section, the registered owner of a leased or rented vehicle shall not be prima facie responsible for a violation if, within 30 days of actual notification of the issuance of a civil penalty, the owner provides sworn evidence that the vehicle was, at the time of the violation, leased or rented to another person, along with the name and address of the person who leased or rented the vehicle, in which case the person who leased or rented the vehicle shall be prima facie responsible for the violation. Furthermore, if notification was first given to the owner of a vehicle that was, at the time of the violation, leased or rented to another person, after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

3. Section 18-122 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-122. - Enforcement, generally; payment to satisfy violation.

Each police employee charged with the duty of enforcing this article shall note any vehicle which is over-parked, the vehicle tag number, the specific violations charged and the time

during which such vehicle is parking in violation of this article. He shall attach to the vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this article and instructions to such owner when and where to report with reference to such violation. Each owner or operator may, within 48 hours of the time when such notice was attached to such vehicle, pay to the properly designated official as a civil penalty for and in full satisfaction of such violation. If the penalty is not paid within 48 hours after the time such notice was attached to such vehicle, the penalty for the violation shall be enforced as provided in Section 18-121. Nothing in this section shall apply to provisions of Article VII of this chapter, Parking for Handicapped Persons.

4. Section 18-212(e) of the Hickory Code of Ordinances shall be deleted.

5. Section 18-213 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-213. - Special parking places restricted to handicapped.

Whenever on any street or in any public parking lot within the city the area has been set aside and marked by appropriate signs and markings that it is restricted for the use of handicapped, such space shall be occupied only by a vehicle displaying the distinguishing license plate, placard, or other evidence of handicap or visual impairment, as referred to in this article.

6. Section 18-214 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-214. - Privileges extended to non-handicapped operator.

The privileges of parking beyond restricted periods of time and of parking in a handicapped person's space shall be extended to a non-handicapped person who is operating a vehicle for the purpose of providing transportation for a handicapped person, as well as handicapped persons operating such motor vehicle.

7. Section 18-215 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-215. - Penalty for violation.

(a) This article is enforceable in all public vehicular areas as provided for in G.S. 20-37.6(f)(1)-(4). Any person violating any provision of this article shall be subject to a civil penalty in accordance to the fee schedule as is set from time to time by the city council. Each violation and any delinquent penalty are not subject to the penalty provisions of N.C.G.S., sec. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of a debt when the violator does not pay the penalty within the prescribed period of time, pursuant to N.C.G.S., sec. 160A-175(c). With respect to any parking violation under any provision of this article, the registered owner of a vehicle that is found to be in violation shall be prima facie responsible for such violation and subject to the penalty therefor.

(b) Notwithstanding subsection (a) of this section, the registered owner of a leased or rented vehicle shall not be prima facie responsible for a violation if, within 30 days of actual notification of the issuance of a civil penalty, the owner provides sworn evidence that the vehicle was, at the time of the violation, leased or rented to another person, along with the name and address of the person who leased or rented the vehicle, in which case the person who leased or rented the vehicle shall be prima facie responsible for the violation. Furthermore, if notification was first given to the owner of a vehicle that was, at the time of the violation, leased or rented to another person, after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

8. This Ordinance shall become effective upon adoption.

L. Approved on First Reading Budget Revision Number 2

ORDINANCE NO. 24-29  
BUDGET REVISION NUMBER 2

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, 2025, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2024-25 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Contingency	-	9,931
Culture & Recreation	171,226	-
Other Financing Uses	213,123	-
Public Safety	27,195	-
General Government	-	125,363
TOTAL	411,544	135,294

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	27,495	-
Other Financing Sources	172,005	-
Restricted Intergovernmental	76,750	-
TOTAL	276,250	-

SECTION 2. To amend the Trivium Corporate Center (#B1B01) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	87,760	-
TOTAL	87,760	-

To provide funding for the above, the Trivium Corporate Center (#B1B01) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	87,760	-
TOTAL	87,760	-

SECTION 3. To establish the 17<sup>th</sup> Street Northwest Extension (#54618) Capital Project, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	626,815	-
TOTAL	626,815	-

To provide funding for the above, the 17<sup>th</sup> Street Northwest Extension (#54618) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	501,452	-
Other Financing Sources	125,363	-
TOTAL	626,815	-

SECTION 4. 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 on First Reading Consideration of Text Amendment 24-01 to the City's Land Development Code – Presentation By Planning Manager Cal Overby.

The City's Land Development Code serves as the City's regulatory document dealing with development activities within its jurisdiction. The document is intended to change from time to time to reflect changes in development concepts and present-day trends. Annually, staff reviews the document to identify updates of modification needed to comply with relevant statutes and conform to new development trends. Text amendment 24-01 amends Article 2 – Development Review Procedures; Article 3 – Base Zoning Districts; Article 4 – Overlay and Special Purpose Districts; Article 6 – Use Regulations; Article 7 – Intensity, Dimensional Design Standards; Article 1 – Subdivision Standards; Article 9 – Standards of General Applicability; Article 10- Signs; Article 12 – Nonconformities; and Article 14 – Definitions. The proposed amendments are intended to modify sections that did not work as intended and bring forward amendments needed to provide greater flexibility in dealing with current development trends. The Hickory

Regional Planning Commission conducted a public hearing on July 24, 2024, to consider the proposed amendments and acknowledged the amendments 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 amendments. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on July 27, and August 3, 2024.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with Text Amendment 24-01 to the City's Land Development Code.

Planning Manager Cal Overby gave a PowerPoint presentation. He advised this was a request for consideration of amendments to the City's Land Development Code. The Land Development Code was developed for anything from zoning to subdivisions, to landscaping, things of that nature. The first changes were to Article 2, which was a procedural portion of the ordinance. Procedural being how a hearing takes place, how it was advertised, and who hears a particular hearing. In this particular circumstance, for this section, there were changes made to how a hearing was referenced. Currently, the City's ordinance only references public hearings. The General Statutes do not say that much about public hearings, they say hearings. There were several different types of hearings. They have legislative hearings, which was what City Council does. They have quasi-judicial evidentiary hearings, which the Board of Adjustment, Planning Commission hears. There were different measures with the General Statutes of how they advertise and who they advertise to. This change was an attempt to align the City's ordinance with the General Statutes, and that was what was being presented to Council. They redid a matrix. There was a matrix in the ordinance which outlined what happens when, where, and for which particular type of hearing. That was amended to better align itself with the Statutes and with the other revisions they made into the ordinance there. They also addressed development agreements. These agreements do not necessarily have a sunset per Statute. They have a sunset per when the development agreement ordinance was approved by the governing body. That could be anywhere from 20 years or more. That did not necessarily mean that you have a permit that was good for a year. They had agreed to the duration of the agreement, and the agreement lives in the period of that time there. Another standard was for special use permits. These were quasi-judicial evidentiary hearings. Currently, there were about six or eight particular standards for different types of special use permits. They could be quite cumbersome. Staff recognized that a lot of other local governments, municipal as well as county governments, were changing their standards to a specific set of standards. They did some research and found there was a court case, and he shared that with City Attorney Swanson, that said these were the four standards to use. They recommended that those standards be in here because they had already survived a judicial review. That would be a good thing to make sure they were in the ballpark there. Another thing was the application. The applicant acknowledges conditions of approval. Previously there was this item where they sent them a letter they needed to sign afterwards. It was an interesting way to do it, but a better way to do it was when they were in the hearing and they were under oath in the hearing, and you ask the applicant, do you accept the conditions that are placed upon this permit? And if they say yes, they had done that under oath. That seems like a more clear-cut way to do it as far as a procedural manner as well as a record keeping manner.

Mr. Overby discussed Article 3, which was general use zoning.

Alderman Wood asked about the changes that have been made here, some of it affects the Planning Commission, correct? He asked would training be needed. If so, would they get training on these changes so that they know what was happening there?

Mr. Overby advised yes, they were obviously presented this prior to this meeting. They would go over that, and they do periodic training with the commission to make sure they were up on things.

Alderman Wood thanked Mr. Overby.

Mr. Overby discussed the next item, base zoning districts, which were basically general use districts. There was an incorrect reference for R-4 zoning district which was a residential district, mentioning manufactured homes. Manufactured homes were in fact not permitted in that district. That was struck out so that there would be no conflict with what they see in the use table and a narrative explaining the district. It was confusing because he noticed that when he looked at it. There was

also a change to Article 3 regarding the appearance of parking garages in downtown. There was not much in the City's ordinance which addressed parking garages. Which was quite surprising because you see a lot of parking garages in downtown areas. The way the recommendation that staff presented to the Planning Commission was that parking garages were great. They just must have some feature that was similar to their surroundings. Not just a huge pour in place, clear concrete thing. It could have some type of texturing, have a cover of veneer or something to that nature. It was something they thought would be appropriate, especially as the downtown grows, so they were not overwhelmed by parking decks, which parking was needed and was an issue, but it needs to fit into the fabric of the downtown and other areas more harmoniously.

Mr. Overby discussed Article 4, overlay districts. Currently, there was a requirement in the revitalization overlay that parking was mandatorily reduced by 30%. While this may sound great, they had noticed that sometimes a business needs more parking. If they tell them they cannot have that parking, for whatever reason, it hurts the business. They decided to make it optional, not make it mandatory. If someone says, okay, I don't need that much, but our ordinance says you need that much, you can reduce it. But if they need more than that, they were able to provide more than that. He discussed use regulations. Use regulations were which use was permitted where, in which zoning district. This was a matrix that had P's and S's and blanks in it. The first one was family care homes. Currently there were special uses in commercial center and commercial corridor districts. Family care homes were actually exempt from zoning in residential districts. Meaning if you have a family care home that has five or fewer residents in it, they either have disabilities, physical, mental, or some others. They could not regulate it as anything other than a single-family residence. Single-family residences were permitted in each of the districts he mentioned, why not have them the same there? Because they were trying to make a measure that was not necessary.

Alderman Wood asked Mr. Overby to explain the difference between a family care home, and a nursing and convalescent home.

Mr. Overby explained that a family care home was a home, a residence, a residential atmosphere where a unit acts as a family as five or fewer. There may be caregivers there. Convalescent homes would be larger facilities, i.e. Brian Center type things or things of that nature. In nursing and convalescent homes, staff made a recommendation to the commission to strike that as a permitted use in the residential districts. Those were typically very large facilities or larger than you would see in a residential subdivision or area. There were places for those and there were ample places in the City for those to be located, but he did not think in a neighborhood would be necessarily where they would want those at. He discussed industrial service and manufacturing. The recommendation was made to strike this from the central business district and the community center district. He was not sure that it would be the best course of action to have manufacturing in the downtown area. That did not seem like it was a proper fit. That was where the recommendation here came from. He discussed public facilities. Public facilities would be any municipal facility, pump station, sewer pump station, water tower, whatever. Currently, they were special uses in their residential districts. If there was a public facility and it was needed to support the City and the area it was in, it needs to be a permitted use, and go through proper plan review, and particular development standards, but not have to go through review with the Planning Commission.

Mr. Overby discussed changes made to the schools' section. He advised schools, by right, were allowed in residential districts with additional standards for elementary school, middle school, or neighborhood type school. He discussed open storage. There were two types of open storage defined by Hickory's ordinance. One was a principal use, meaning that was the only use of the property, and an accessory, meaning that it accompanies another use that was taking place on the property.

Mr. Overby discussed Article 6, which was regulations of the uses that were outlined in the use table. There was a reference to a thoroughfare plan that was removed. It was just a print plan. He referred back to open storage. In the middle of an industrial park there was not much reason to screen open storage. Some of them were not the prettiest things. If the outdoor storage was visible from outside of that park, whether it be from an adjacent property, a public street or private street, it must be screened. That was what they were looking at there now. Each individual business or industrial park probably had their own standards for what takes place in them, which were in addition to a local government standard.

Mr. Overby advised there was also the requirement for schools which the recommendation was to require schools access from collector arterial streets, so they were not having a school on a local residential road. That usually does not work. It was not stated in the code. The traffic generation of a school during peak hours was a bit intense, and that was typically not what you want to see through a neighborhood.

Mr. Overby advised there was a revision for temporary sales. The revision was done to allow for vendors to sale on lots where their business was not located. Staff encountered a number of these situations where a vendor came in with permission of the property owner and set up and either offered for sale or advertised for sale some type of their products. Something that came to mind was the annual RV show at Valley Hills Mall. Technically, by the code that was not allowed. There was an annual rug sale there. Some of the shopping centers in Hickory have almost a companion type business that they feed off of that locate there. What this would do would be to allow that to happen.

Alderwoman Patton asked if it would also allow for the spring up sales of mattresses? She referred to Highway 70 a lot of times.

Mr. Overby commented that the answer to that was yes.

Alderwoman Patton asked if they had to have permission.

Mr. Overby advised that was correct. They did not have people, just retail squatters. They recommended a change in the telecommunications ordinance regarding tower fall zones. They have telecommunication towers. They were designed by a structural engineer to fall in a particular pattern and take up a particular surface. When they were dealing with them, they understood how they were going to fall and where they were going to fall. They revised the ordinance to make that clearer. It had always been implied and the City's Director, Brian Frazier, had always interpreted it that way. They spelled this out a little bit better. That was why that change was proposed. There was a recommended change to the ordinance putting in standards for RV parks. Currently they have RV parks listed as a use. There were no standards whatsoever. They ran into an issue in the Planning Commission meeting, and then some court cases with it. From there staff decided to make a recommendation to put some standards in for RV parks, so they actually have a measure to make, not something clearly subjective, something that has objectives to it, so that they could apply those to a particular circumstance. There were standards that were enacted for mobile food vendors, better known as food trucks. The requirement was for these vendors to get a permit from the City. They could not be on public property and could not park in a public parking space in front of another restaurant and compete with bricks and mortar restaurants. That use had to be mobile at all times. It could not be a trailer parked somewhere where tires go flat and someone's selling a hamburger out of it. That was some of the standards for mobile food vendors that were developed. They looked at several different areas for this, trying to figure it out. It was almost like a moving target at times, but they tried to put together the best they could for it.

Mr. Overby discussed intensity and design standards. They recommended a change regarding accessory structure setbacks. This was for the front yards. The front yard would be the street. Here was the problem they discovered, which it may have been well intended at the time, but it seemed really goofy now. If there was a house that required to be set back from the street by 20 feet, the accessory structure had to be set back 10 feet greater. If they build their house there and put a detached garage, their garage will sit back from it. Their recommendation was to make them one in the same to have a more geometric pattern there. There was a footnote that was clarified regarding accessory structures and buildings. The footnote clarified that if a building was greater than 500 square feet, whether it be a garage or storage building, whatever, it had to meet the same property setback that the house would meet, so they were not having a 500 square foot building four or five foot off the property line. A small lawnmower shed, something like you would buy from Home Depot, those little metal ones, that was fine. But if someone was putting up a 500 square foot garage, then it might be overpowering on your neighbor there. It was already a policy, and an ordinance, they were just clarifying what it actually means.

Alderman Wood asked if existing buildings could be grandfathered in? And what was the process for replacing a building like that? Let's say he had a 501 square foot shed and it was rotting away, and he wanted to replace it. Could he replace it? Was it grandfathered in that he could place it in the spot that it was in? Or did he have to meet the new code?



Mr. Overby advised that would be a grandfathered use. He noted a deletion for the requirement for a block length. It had been in this ordinance since he started working for Hickory 20 years ago. Those are great if you live on a really flat area. That was not any good if you were living on a hilly area. Think of the first planned towns, Charleston, and Savannah. They were all laid out on a grid. Downtown Hickory was until it got to areas that were not flat and they saw what development pattern happened when they were not dealing with flat areas. They also recommended a clarification about when sidewalks were required. Sidewalks had always been required in subdivisions. Developer "X" builds a subdivision, all these new streets in there have to have sidewalks on it. But what do you do when you have a development that basically uses an existing street, does not build a street. Just start putting houses along the street. The recommendation that came was any subdivision was considered a major subdivision with five or more lots they would have to start installing sidewalks along the areas there. It was good development practice. If they were going to make a developer who was spending a million dollars put in the sidewalk, it was going to be unfair not to make the other guy put it in. The development patterns were changing in Hickory, somewhat, more compact houses, townhomes and things of that nature. There was a recommendation between several departments in the City, staff, and the Planning Commission to change the requirements for parking for single- and two-family residences. Now, single family residences would be an attached or detached home and a two-family residence, obviously a duplex. The requirement that was recommended was to require two off-street parking spaces, regardless of if there was a garage or not. What they were running into here from a design standpoint, was have a garage, a two-car garage. Got a car in it. That was all they could get in it. You got a one car garage; everything was going to be filled up in it. What that was going to do was it was start forcing cars to be parked on the street. Have cars parked on the street, on both sides of the street because they do not have enough parking there. What's that do? One, fire trucks may not be able to get through there. He knew garbage trucks did not want to reach over the top of a car and grab a garbage can. These were some of the things that they had encountered in some of the newer developments that they could have looked at this a little bit better. This was probably what they were doing and telling developers this before this was actually in place they were getting developers actually to acknowledge that was a problem. It was not just staff or the government looking at it from that standpoint.

Mr. Overby advised that currently the City's ordinance has a parking lot diagram in it that was very dated. The recommendation was to delete the diagram from the ordinance and place it in the engineering manual practice, where if it needs to be changed it could be changed to meet industry standards. It was not something that should be this and this. It needs to work for parking flows, it needs to work for traffic flows, different vehicle sizes. That was the recommendation there. The next one they found a redundant section in the ordinance regarding animal keeping. Animal keeping was in Hickory's general code of ordinances and Hickory's Land Development Code, word for word, the same thing. The recommendation would take it out of the Land Development Code, leaving it in the general Code of Ordinances. Eliminate redundancies. There was still stuff under Land Development Code regarding household pets and kennels and things of that nature, this was more characterized situations of nuisance type animals. There was an addition to the screening table to add RV parks. The way the proposed ordinances were worded, RV parks would have a 100-foot setback and a 15-foot screen was what they would have. Screen meaning plants, trees, could be opaque fences, something to that nature. One that was interesting, which another staff member drafted this portion of it, review of murals on private property. Currently there was really no standard other than on public property where the Public Art Commission reviews those which were pretty cut and dry. The recommendation was that any murals on private property should be forwarded to the Community Appearance Commission for review. And upon their recommendation, a permit would be issued for it to be there. The requirements were it has to be original art, no commercial advertising, and maintained. There were a lot of words in that section, but that was the gist of what that section meant.

Alderwoman Paton asked on the maintenance, who was going to determine that maintenance?

Mr. Overby advised that it was going to be the property owner. Once the artist leaves, the artist does not have any vested interest in it anymore.

Alderwoman Patton asked what if the property owner let it deteriorate.

Mr. Overby commented that it would go to zoning enforcement. Under nonconformities there were a couple changes here for manufactured homes. Currently, manufactured homes are only permitted within R-1 residential districts. There were manufactured homes in numerous places throughout Hickory. Some

were not very nice. What they decided to do in the recommendation, as well as from the Planning Commission, was to change the standards so that an existing nonconforming manufactured home could be replaced with another manufactured home, provided that manufactured home met the current standards. They would have no more in those districts, but what you have is better housing stock. That was how they viewed that.

Alderman Wood asked if it had to be a new manufactured home? He saw the word new, new as in brand new, or could it be a used manufactured home that was replacing a heavily used manufactured home?

Mr. Overby advised it was new as in new to that location. And Hickory standards for manufactured home, they either have to have vinyl or lap siding, a seamless metal or composite shingle roof. They have to be set up on a permanent unpierced masonry foundation. Generally, with those requirements, they were not going to get someone dragging something in there. In that alone, those were not homes from the eighties. Those were probably homes from much later on.

Alderman Seaver asked if that would tend to raise the tax balance for that property?

Mr. Overby commented that it could. He was not the finance person, but manufactured homes were actually titled. They do not have a deed, so he was not sure how that revenue was collected.

City Manager Warren Wood advised it was personal property, so if you put a higher quality unit in there, it would be a higher tax value, but probably not significantly.

Alderman Wood commented like having a new vehicle.

Mr. Overby advised there was a change to when landscape upgrades would be required. In building fire codes, when you have a change of use, it did not necessarily mean the same thing as it does in zoning. Zoning would be a change in use, meaning they would be going from a convenience store to an office building. It was somewhat different than building a fire code, there were nuances where they were similar, but they were also different. Staff recommended making that change, so that when a business of scale changes from one use to another there would be requirements for upgrades to the property, namely landscaping and other things, so that you do not perpetually have this one business that goes in and out, in and out, in and out, and never has any real changes to it. There were additions to definitions of several different places. There was a change of use definition. There was also a change to the definition of nursing homes because that definition, oddly enough, said a nursing home could be inside of a residential house, which did not really make any sense. If you were taking care of a sick family member with a home health nurse, that was not a nursing home, he would not think so. He noted on July 24, the Planning Commission reviewed the items presented before Council and unanimously recommended approval. He asked for questions.

Alderman Zagaroli asked Mr. Overby to explain what a tower falls zone?

Mr. Overby referred to the cell tower at City Hall. The way it would work was think about it as an accordion. It gives and falls like an accordion. You have a zone. More often than not they would see a tower as 190 feet, it would have 190-foot radius set back around. If it falls at a different manner, then that area could be reduced. So, they were not eating up unused space. It really comes into play when you deal with commercial areas. In most rural or residential areas, they were set back, their distance and height were greater. There was a cell tower that sits right beside City Hall. Guarantee it was designed to do this when it goes down, if not it would hit the building.

Alderman Zagaroli asked if staff goes out and gets that radius of that zone or do they have to apply for that.

Mr. Overby advised the tower applicant provides that paperwork. And then the City's Planning Director, Mr. Frazier reviews it.

Alderman Wood referred to the aesthetic issue with parking garages. Did he or anybody consult with somebody that was in that business? David Loooper Company comes to mind because they built the one right across the street. On the cost impact of the new aesthetic requirements for those?

Mr. Overby replied no sir. They reviewed some other local governments and reviewed some projects that had taken place and looked at it from that standpoint.

Mayor Guess thought most of the questions were asked while he was doing his presentations. He asked if there were any further questions for Mr. Overby from Council.

Alderman Freeman commented that was interesting to him, because he has three dogs, but he was reading that if it was six or more dogs, then it changed into a kennel. If that was the case, because if so, he was very close.

Mr. Overby thought it was in the City's code. If that was the magic number. If the magic number needs to be increased.

Alderman Freeman asked where does that number come from? Or was it changing from one number to what it was now?

Mr. Overby advised that number had been in the ordinances as long as he could remember.

Alderman Wood asked if it applied to felines as well. It seems fair, right?

Alderman Seaver commented he did not think you could herd cats.

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

Alderman Seaver moved, seconded by Alderwoman Patton approval of Text Amendment 24-01 to the City's Land Development Code. The motion carried unanimously.

ORDINANCE NO. 24-30

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

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

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

WHEREAS, the Hickory Regional Planning Commission considered the proposed amendments during a public hearing on July 24, 2024 and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed amendments are in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare, and comply with applicable state statutes; and

WHEREAS, the City Council has found Text Amendment 24-01 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan,

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

SECTION 1. Findings of Consistency and Reasonableness.

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

The amendments reflect updates found necessary to ensure the continued relevancy of the Hickory by Choice 2030 Comprehensive Plan.

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

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

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

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

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

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

Based upon these findings, the Hickory City Council has found Text Amendment 24-01 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

## B. Departmental Reports

1. Traffic Update – Presentation by Hickory Police Department Chief of Police Reed Baer

City Manager Warren Wood mentioned they have a traffic update to be presented by Hickory Police Chief Reed Baer, and the significance of this was that they may have a dozen police officers working at any one time on a good day. They have over 100,000 cars that travel through and in Hickory. There was enforcement, but there were also other techniques that HPD uses to manage the traffic safety issues.

Chief of Police Reed Baer gave a PowerPoint presentation. He discussed traffic safety updates. He noted he would talk a little bit about a lot of things. There was a lot of data that he would present to them. Anytime they had a question, he asked Council to please ask it, because they may move past it and might not get back to it. He started with numbers. They have a lot going on in the City, as they knew, and as they had heard him talk about it before when he had been discussing crime statistics. When they do a lot of their figures, (he referred to the PowerPoint) they factor this number in, which was the City's population. This comes from the City's government demographic on the website. He referred to the PowerPoint and pointed out the number they usually use to divide into the statistics that they get. This was the number they really needed to focus on when they talked about traffic safety. Hickory daytime population swells to an average of just under 163,000 people a day. Most of those folks were coming in via a vehicle, which could cause the traffic issues he would discuss. That was the number they really needed to focus on. When they talk about traffic safety, what was the first thing that comes to mind for most people? It was going to be traffic crashes. You want to be safe when you drive. You always hear about a crash. They have a lot of questions about crashes, what prevents crashes, what causes crashes? He discussed traffic crashes first. He referred to the PowerPoint and noted it was pretty self-explanatory, but he would walk them through it. He explained that the red dots on the map on the display represented traffic crashes. The size of those red dots represented the frequency of traffic crashes in those locations. This represented 2019-2022. He noted Highway 321, Highway 70, Highway 70 into the retail district, which was no surprise from some of the things that they had already been made aware of, Lenoir-Rhyne Boulevard, Highway 127 North, and Springs Roads. That was the concentration of where they see the largest red dots on the map. That was a lot of data, a lot of information to look at visually. What does that translate down to? Top ten crash intersections. They were data driven. They were going to hear him talk a lot tonight about being data driven so that they could deploy resources where they need to be to try and mitigate some of these issues. Looking at their top ten crash intersections, they were going to see several repeat offenders here. They were going to see Highway 70 on this list, several times. They were going to see Springs Road, 8<sup>th</sup> Street Drive which was actually Lenoir-Rhyne Boulevard as well as Highway 321, and Springs Road as he mentioned before. He referred to the PowerPoint and advised that the list compiled it into really four main areas. That was going to be the Lenoir-Rhyne Boulevard area between

Texas Roadhouse and Zaxby's locations there, Highway 70 between the Walmart all the way down to where Chick-Fil-A was located, Highway 321 on the corridor where Jack in the Box and all the intersections were located, and on Springs Road, particularly in the area of McDonald Parkway, the big, large interchanges, big four and five lane, large, controlled intersections. He referred to the PowerPoint and displayed some numbers to give Council an idea about traffic accidents, what their causes were, and what they were finding the contributing circumstances were. He advised what was displayed on the PowerPoint was a chart from 2019 through 2022. He pointed out the orange bar which represented the total number of traffic accidents for that year. For 2019, it was 3,443 and then dropped to 2,880; 3,275; 3,047. For 2023 they had the total, 3,108, it was staying pretty consistent, slight up and down each year. They did not have the breakdown of the data for 2023. They had to move to a State crash system this year, they were required to do that. They were still working on getting those two software components to talk. They knew the total number was staying in line with this. Some of the interesting facts about this were out of those accidents, he referred to the PowerPoint and pointed out the green line which represented roadway accidents. When you looked at the blue line it represented accidents in public vehicular areas or parking lots. That breaks down to roughly 30% of all of their traffic accidents occurred in parking lots in the City, with the rest of them occurring on roadways. When you looked at the causes for causation, what they saw, this should come as no surprise with the way our society has moved, distracted driving accounted for roughly 30% of all traffic crashes, and 1% was speed. It used to be the opposite a long time ago, but obviously when he started, they had a lot of accidents that were speed related. As time has progressed with cellphones, he recently saw a commercial for the new Dodge Ram pickup touting their new 24-inch screen for you to use while you're driving. He did not know; it sounds like we're getting worse. He mentioned before, they transitioned to the e-crash system. They would have that 2023 data breakdown by this time, hopefully in a few months. When you look at these contributing circumstances, this was their top ten. These were determined by investigation interviews when officers arrive on the scene they investigate the traffic accident, ask questions, take measurements, do all those kinds of things. And what they find as the number one contributing circumstance in their traffic accidents was distracted driving, 2) safe movement violations, 3) failure to yield right of way, 4) lane violations, 5) controlled intersection violations, this would be stop lights and traffic signals, 6) careless and reckless driving, that was fairly self-explanatory, 7) drug and alcohol impairment, 8) overcorrected and oversteer, people just simply lose control of their car, 9) exceeding safe speed for conditions, that was primarily during weather events when they have rain and ice, and some folks think that they can get out on the ice in a four wheel drive and drive normal. They do not realize that they really need to take caution and drive a lot slower. And then following too closely followed up at number 10. That was a snapshot of the problem, which was traffic crashes.

Chief Baer discussed what they were doing for traffic safety efforts. He would discuss things that were specifically police related, and about a couple of things that were other City departments and initiatives that were going on. It was a very big team effort. And there were some things that they were aware of as well that were unrelated to any of that. Direct to data driven enforcement was the first thing he mentioned to them, he would discuss that. Pay attention to City traffic initiatives (PACT). They probably had seen those on some of their social media as well as the media that they send that out to. Radar speed studies, street takeover, general statute, which was something new that he knew they were probably interested in. And then he would talk about some neighborhood traffic calming programs that go on in the City.

Chief Baer discussed enforcement. As he mentioned before, enforcement, they were data driven. They have a limited number of resources, i.e. police officers, that could go out there and enforce traffic laws. They have to be where the traffic offenses were occurring, they have to know when, and where to be. They base that on complaints and data. The most frequent complaint that they got, even though it was not the biggest causation of accidents, was speeding complaints. That was their number one complaint that they get called into their communications center. He referred to the PowerPoint and advised the numbers were the last four years, speeding complaints that they have received at HPD, starting with 2020, 894, 2021 those complaints went up to 933, they saw a drop in 2022 and then another drop in 2023. The reason that they were getting fewer speeding complaints. He did not have a definitive answer for them. He would like to say, because it was the efforts of what they were doing and trying to be directed with their data to be where they need to be. He was sure that was part of it. But another part of that, too, was he believed when you looked at during the pandemic, when they had so many people working from home, a lot of their calls came from people at home talking about their neighborhoods, calling about speeding, where they would go and do radar studies and things like that. He thought when everyone

returned to work, that probably also contributed to that decrease. He discussed citations for that same time period. He referred to the PowerPoint and advised these were traffic citations versus speeding citations for that same time period. He pointed out the number which represented the total number of citations written by HPD for that year, and the speeding citation. Out of the 6,358 citations, 1,383 of those were for speeding. And the same across the board. What was interesting was, for the four years, roughly 23% of all citations written were for speeding. Obviously, speeding was one of the things that was the easiest to identify when officers had radar. They have Lidar, and other tools that they could actually see a car visually, know it was speeding, confirm it was speeding, and then act.

Chief Baer discussed the top ten traffic citations issued. As he mentioned, speeding was the number one citation, with 23% of all citations being speeding citations. Their second most frequent was fictitious license plates. And that was exactly what it was. People driving around with a fictitious license plate on their car. Driving while impaired was number three; not having an operator's license was number four; stop sign and stop light violations came in at five and six; safe movement violations at number seven; not carrying insurance on the vehicle number eight; seat belt violations at number nine; and then careless and reckless driving coming in at number ten.

Alderman Freeman asked what the motivation behind number two would be, the fictitious license plates.

Chief Baer advised oftentimes, people do not want to register their vehicle, and so they will either take an old plate and place it on a vehicle so that they can drive around and appear to have a license plate. They also have license plates stolen and placed on a vehicle for the same reason.

Alderman Seaver asked if that one had kind of moved up the list over the years.

Chief Baer commented that it had always been, even when he was out there writing citations, it was pretty frequent back then as well. He continued his presentation with citations and enforcement, which was one of the things that they do in order to try to be seen, be visible, and make people aware that they were out there trying to drive down that distracted driving.

Alderwoman Patton referred to the fictitious license plates. When they pull someone for a fictitious license plate, do they take that license plate immediately?

Chief Baer commented yes, ma'am, they were required to turn it into the State, and the subject or the person could be charged, and then that vehicle, if it was in the roadway, was towed.

Alderman Freeman asked if that was them basically stealing a license plate from another vehicle and putting it on their vehicle so that they could have the appearance that their vehicle was registered.

Chief Baer mentioned in some cases, it was a stolen plate, and in some cases it was not. In some cases, it was perhaps they kept a tag from an old vehicle and then they have another vehicle, but they did not want to go properly register it for whatever reason, so they place that tag on that vehicle and drive around. It was both. Another one of their efforts was the pay attention to city traffic, or PACT, as they put it out on their media. The purpose of that was to increase police presence and to direct traffic enforcement to locations that were identified by that data and complaints he discussed earlier. Essentially it was an awareness campaign. The purpose was to change driving behavior. They never had ticket quotas. That was never a thing, although that had always been an urban legend. They try to change behavior. They do not want to write citations. The goal, the reason they put that out ahead of time, was to tell folks where they were going to be, because they had determined through data and complaints that that was a problem area. They want that behavior to change now. They would be out there, but if they could go ahead and get folks to start paying attention and to not cause the problems that they were having there, then that was the goal.

Alderwoman Patton asked if they were finding that when they do this traffic awareness, the behavior changes, they go away, does the behavior come right back?

Chief Baer commented that it depends on the location of it. Yes, it does happen. Not everywhere, but as some of their areas, they would see them repeat in certain roadways, and they could take a brief history of their social media posts and pretty much determine where those locations were. He asked for any other questions about pay attention to city traffic (PACT).

Chief Baer advised another tool that they use were radar speed studies. He thought everyone had probably seen one of these around the City at some time or another. He referred to the PowerPoint and pointed out it was one of their radar signs. Those were used in the same way that PACT was used, in that they use that data to identify where they need to figure out what was going on and when. For example, a neighbor complains that they were having a speeding problem. They probably had seen these right now on 127 in the Viewmont area. They had a lot of speeding complaints in that area. What these do, when you see these signs, they record the date, time, and speed of the passing vehicles, and it would flash if it was over the posted speed limit. For example, if it was a 25mph speed limit and you were doing 26mph, that sign was going to flash to let you know you were exceeding the speed limit. It was also going to record, not video, but it was going to record how many vehicles travel through a certain time, their speed, and the peak speed. He referred to the data on the PowerPoint as to what that looks like. They download these via Bluetooth. For example, this was one that was off of 127 in Viewmont, a 35mph zone that this sign was in, he referred to the PowerPoint and pointed out the time of day, noon to 8:00 p.m., the number of vehicles that traveled past that particular sign, that was vehicles in that 30-minute period. Out of that 51, 24 were exceeding the 35mph speed limit, the peak speed. The fastest traveling car was traveling 42mph in that 30-minutes, and then at 12:30 p.m. the same thing. What this enables them to do was when they download this data, it tells them, when the cars were coming through? Where the volume was, where the most speeding was taking place? And generally, what they find in some of the business areas was when people were going to work, and when people were leaving work. That was when they try to be there, because obviously, they want their resources spread out as efficiently as possible so that they could make the most impact as possible. He asked for questions about the radar speed studies.

Alderman Wood commented that something that stands out to him, they get the complaints, right? You get the complaints about speeding, and people say they were speeding. He heard that part of their officer's training was to be able to see a vehicle go and estimate the speed of the vehicle within "X" number. This was telling him that he was not good at that. He was not good at estimating, and he did not think he was the exception to the rule. How difficult is that test?

Chief Baer advised Alderman Wood was correct. To be radar certified, they have to go through not only classroom class, but the officers had a practical test with a radar instructor in the car. Officers have to be able to identify a speeding vehicle, have to be able to identify the speed within a certain range, and then confirm that speed with the device, whether it was a radar or a lidar, in order to be able to confirm that speed and then to act. That was very difficult. Not everyone passes that class.

Mayor Guess commented that they used to do it on school buses because they knew that they were regulated. They would wait until they got a school bus.

Chief Baer commented obviously, depending on the size of the street, the traffic volume that could also impact a person's perception of the volume of a car. A lot of the cars today have loud mufflers and engines. Another tool that they have begun to utilize this year was the street takeover statute. They had seen some of the things on social media around the country, and in North Carolina, where the vehicles were coming into towns and literally taking up intersections, doing stunts and tricks, blocking traffic, all those kinds of things. They started to have some of that happen this year. They were able to utilize the Statute. He referred to the PowerPoint and displayed the Statute. He pointed out a particular section under street takeover. They were able to utilize this law. He explained they have methods they used. They film these individuals doing this. One of the requirements to have that documented evidence, and then they move in. He referred to Subsection "B" of the Statute, and noted they were able to then not only charge that individual, but also seize their vehicle. Think about seizing that vehicle as putting someone's vehicle in car jail. They have to pay a bond for that vehicle, then deal with a court situation with that vehicle and that charge, and then subsequently get that vehicle out of that. It had actually been a very good tool since they had started that they had seen a decrease in the volume of those extreme cases they were seeing. He referred to the PowerPoint displayed and shared a couple examples. One was a street takeover case that they had on March 29, 2024. It was pretty self-explanatory. This was what a street takeover was, someone out there doing stunts and tricks. They were able to identify this vehicle, identified the driver, charged this driver, seized this vehicle, and this driver pled guilty. They were now seeking some other remediation through that. Since March of 2024, they had ten of these street takeover cases. All ten vehicles were seized under that State Statute. Three of these ten cases so far pled guilty. Seven were pending court.

Alderman Patton asked what they did with the vehicle once they seized them and then they plead guilty? Were they giving them back?

Chief Baer advised they had to bond the vehicle out. The Statute actually laid out that process. They were stored at the Sheriff's Department. They have an impound facility through the Statute that they were required to keep those vehicles.

Alderman Seaver asked if that had calmed down some since they all started that endeavor.

Chief Baer commented that the nature of the severity had, they still had a lot of traffic, particularly in the Highway 70 area, a lot of the cruising, but the extremely dangerous stunts and things, they have had less calls about that since they started this particularly.

Alderwoman Williams asked if the penalty was just impounding.

Chief Baer advised there was a charge. The Statute that he displayed was an actual charge.

Alderwoman Williams asked if there was jail time or anything.

Chief Baer commented that it just depends on the individual, unlikely, particularly if it was a first offense, but it was a serious charge, particularly for your driver's license.

Alderman Wood asked what the insurance consequences of being caught doing this was. Had he heard anything like that?

Chief Baer commented that he had one father contact him in this particular case it was his son who was the one who was doing this, and it was going to be pretty severe for them to continue to carry their son on insurance because of this particular incident. Depending on the age, the driving record, all of those things, it could be serious. He asked for any more questions about the street takeover?

Chief Baer discussed what the City was doing through the traffic division which was a neighborhood traffic calming process. Public Works Director Steve Miller had spoken to Council about changes to this at a previous meeting. They always work in conjunction with the traffic department with traffic neighborhood calming processes. They also utilized their radar studies with this as well. The City's Transportation Traffic Engineers conduct these studies. He noted that 29 had been completed since July 1, 16 had resulted in reduction of the speed limit in that neighborhood. Three of the areas were on DOT (Department of Transportation) roadways, which they did not have any authority to actually make a change, but that was always also available to citizens. They could contact the City of Hickory traffic division; they provide a very nice packet. He actually got one when he was looking into this. It was very self-explanatory. It walks the neighborhood through what they need to do in order to start that process.

Alderwoman Patton asked if they lowered the threshold for the percentage of the petitioners.

Chief Baer confirmed that they did lower the threshold for the percentage of the petitioners. Possible outcomes after that evaluation could result in speed limit reduction, marked on street parking, speed tables, or other measures.

Chief Baer mentioned something that came before Council in May. The City of Hickory now has a grant from the Federal Highway Administration to create a Safe Streets for all Comprehensive Safety Action Plan to develop a comprehensive safe streets and roads action plan. This was being headed up by the City's Infrastructure Grants Manager, Karen Dickerson, and she would be putting together a steering committee, including citizens to drive this. More things being done as the City grows and they monitor traffic to try to make it as safe as possible.

Alderwoman Patton had noticed an increased number of golf carts. Just yesterday and one today, they both had tags, so it was perfectly legal. You would not get them out on 70. She asked if there was a speed limit to them?

Chief Baer advised the statute that she was referring to, by memory, it was low speed vehicle, he believed they could tag those now. They could drive them on the roadways. They could not take them on a roadway with a speed limit, he believed, above 35 mph.

Alderwoman Patton commented that if they were not tagged, then they should not.



Chief Baer commented to operate a golf cart of any sort or a low-speed vehicle it had to have a North Carolina license plate, and it had to be insured, working headlights, seat belts, and turn signals.

Alderman Wood thanked Chief Baer for doing this. This had been so helpful for him. When he put up the graph of the number of calls that they get, that they received, he thought that was the Tony Wood Comm Center for the number of calls he received about speeding. It was the number one thing he hears about. Having Chief Baer present this was so helpful because it helped him educate when he gets these calls. He thanked Chief Baer.

Alderwoman Williams commented because distracted driving was one of the main infractions in accidents, how was that reported? Was it self-reported? Or was it like they actually checked to see if they were on their device?

Chief Baer advised in a lot of cases, it was through the investigation, self-reported and or they talked to the passengers of the vehicle. They talked to the driver. In North Carolina the Statutes regarding the cellphone usage, to be honest, were a bit arduous for them. It was very specific. They were trying to do some changes with the Chiefs' Association, much like some other states, which have made it easier to stop people from doing those kinds of things. But right now, it was a little bit difficult. They had to rely on the investigations.

City Manager Warren Wood commented that a distracted driver could go beyond somebody looking at their cellphone.

Chief Baer said absolutely. He shared a side story. He was on the way to South Carolina a few weeks ago on I-20 and a gentleman passed him watching a movie on his screen right beside him.

Mayor Guess asked if it still held true that the perception of speeding was typically not what they find out when they go out and do these studies. That the perception was that everyone was speeding and that was not the reality in most cases. Was that still the normal.

Chief Baer thought that was a fair statement. They do find some speeding issues, but for the most part, they do find that there were not an overwhelming number of speeding issues when they do the radar studies.

Mayor Guess asked for any other questions for Chief Baer. He thanked Chief Baer. They appreciated that information.

2. Approved the Creating Outdoor Recreation Economies Strategic Plan – Presentation by Business and Community Development Manager Dave Leonetti.

Staff requests Council's approval of the Creating Outdoor Recreation Economies Strategic Plan developed with assistance from the North Carolina Department of Commerce. The Creating Outdoor Recreation Economies (CORE) Program is being offered by the NC Department of Commerce and funded by the American Rescue Plan. The goal of the program is to assist communities in North Carolina to leverage outdoor recreation to spur economic investment in their communities. The plan is focused on positioning the region to leverage growth of the outdoor gear manufacturing and retail businesses and promote Hickory as a location for businesses in this sector to grow and/or develop in Hickory. The plan provides a vision for outdoor related business development along with a roadmap and action items for the City to leverage its position and location in proximity to promote growth in this business sector. Staff recommends City Council approve the Creating Outdoor Recreation Economies Strategic Plan.

City Manager Warren Wood asked Business and Community Development Manager Dave Leonetti to the podium to present the Creating Outdoor Recreation Economies Strategic Plan.

Business and Community Development Manager Dave Leonetti introduced Mr. David McRae from the North Carolina Department of Commerce. They were going to discuss the Creating Outdoor Recreation Economies Strategic Plan funded by the Department of Commerce. He turned the presentation over for the first half to Mr. McRae who would discuss the program and the planning process, and then Mr. Leonetti would discuss the goals and strategies, and the vision contained within the plan.

Mr. David McRae with the NC Department of Commerce gave a PowerPoint presentation. He discussed the Creating Outdoor Recreation Economies program, or CORE, as he would refer to it tonight. It was an initiative lead by the Mainstreet

and Rural Planning Center under the Department of Commerce and made possible through funding from the US Economic Development Administration to conduct this statewide. He explained what CORE was. It was an economic development strategic planning process that focused on how to leverage outdoor recreation for economic opportunity. He referred to the PowerPoint and displayed a map to give Council an idea of all of the towns and counties across the State that were concurrently participating in this program. He pointed out Hickory and Valdese. There was a lot of momentum around this space, a lot of enthusiasm, and a lot of people really see value in looking at outdoor recreation. How it could improve the lives of the citizens living in a place, as well as contribute to the economic development of a city. Which begs the question, why is the North Carolina Department of Commerce engaging in outdoor recreation strategic planning? Outdoor recreation was already a big economic driver across the State contributing over \$14.5 billion dollars in economic impact in 2022, which led to 146,000 direct jobs, resulting in over \$6.8 billion in wages. The City of Hickory and surrounding areas were already, without a doubt, benefiting from this sector of the economy. Their goal was to look at how could the City of Hickory continue to capture a larger slice of this pie as well as continue to help grow this overall sector across the State? Particularly of interest to the City of Hickory and the Business Development Department was the manufacturing sector, within this broader economic sector, \$2.38 billion in economic impact solely in manufacturing, over 7,600 jobs and \$600 million in wages in the manufacturing sector solely based on outdoor recreation-oriented products. Really big numbers. Hickory was already benefiting within this manufacturing sector. How could they continue to grow in this area? Throughout the State they were really trying to tailor the process to meet the needs of the local community through focusing on about five focus areas. For the City of Hickory their primary areas of focus were small business development and manufacturing and supply chain. When they spoke with Mr. Dave Leonetti and the team initially, he showed his interest in that, he said that was the focus area that the City would like to really home in on. They had a really great workgroup representing the City, business owners, local government, people with business resources, everything from the Manufacturing Solutions Center and the Chamber of Commerce provided input. A really engaged and helpful group that showed a lot of enthusiasm helping to drive this forward.

Mr. McRae reiterated it was a strategic planning process with specific goals, objectives, and action items that could begin to take place in order to move this economic sector forward for the City of Hickory. In order to do that, again, their work group was the primary driver, providing input, providing direction for this plan. They did questionnaires to provide input. They did guided discussions with swot analysis, with asset mapping. They did some outside stakeholder interviews with individuals that could not be on the workgroup but were invested in the City of Hickory's future in this sector. They did not want to duplicate existing plans that the City already had, so they looked at existing plans and how they could build upon those and complement them. From his perspective, on the outside looking in, the City had a lot of very promising outlook here. Great assets. The City had already invested a lot with the Hickory Trail. The existing business and industry were really primed to take advantage of this sector. He thought there was a lot of really promising outlook for this sector, for the City of Hickory. He thanked Council.

Business and Community Development Manager Dave Leonetti continued the presentation. He gave a brief overview of the vision, the assets that they identified and the goals. He advised Council had the entire plan in their packets. He would not go over every strategy and every objective of the plan. He advised for the vision, just keeping it sort of bulleted rather than having that kind of longer sentence. Talking about for the City of Hickory, the tradition of craftsmanship, emphasizing the area as a regional center, as they heard Chief Baer talk about, where all that traffic comes into Hickory every day. Looking at Hickory as the regional center, but kind of focusing that a little more on the outdoor recreation economy as having this be a sector that creates quality jobs, supporting business development entrepreneurship, emphasizing that quality of life that they had invested so much into with the trail projects, and a lot of the other outdoor recreation resources, such as the mountain bike trails. Embracing that community collaboration. One of the biggest things they saw throughout this process and just through working with the Business Development Committee in general, their business support infrastructure and entrepreneurial support organizations talk to each other regularly, and they have a very good working relationship, whether that was the Economic Development Corporation, the Chamber, the Small Business Technology Development Center, the Manufacturing Solutions Center, the Small Business Center at CVCC, all those organizations talked to each other a lot, and they worked together to help to bring that small business community together. Then the final one was fostering outdoor recreation culture. They looked at asset-based planning process for this plan. They focused on the assets of the City and the region, really looking at what they had rather than what they lacked. Figuring

out ways to leverage those assets into improved quality of life and stimulating economic growth. The assets that they identified through the planning process through the stakeholders and the steering committee, and the folks like Mr. David McRae with the Department of Commerce, the heritage of craftsmanship, textiles, furniture, hosiery, a lot of those organizations and companies were related to the outdoor recreation industry. He referred to Mr. Daniel Bizzell from Hickory Brands that served on the committee. They do all kinds of different cords and shoelaces that you may use every day, and products that were in a lot of the outdoor equipment that you may be purchasing every day were manufactured right here in the Hickory region. Hickory's diverse industry base, looking at the business support resources and infrastructure. Hickory's location. They talk about Hickory all the time, leveraging our location as that area that was close to Charlotte, close to the mountains, and close to outdoor recreation in this instance. They have a lot of great resources locally and also within that easy drive, whether those were County parks, then going out further to State parks and National Forests. The business climate, cost of living and those things, relatively speaking, they rank very well in those areas. The presence of higher education, partnering with CVCC, Lenoir- Rhyne University, Appalachian State, to help advance some of those, and continue to advance, They were already working with Appalachian State, meeting with their entrepreneur support organizations and some of these coming up in the future. Talking about the changing perception of manufacturing insuring that people realize that these jobs that were being created now were not their grandmother and grandfather's manufacturing jobs. There was the opportunity to more high-tech manufacturing jobs and also encouraging some of that civic knowledge and pride of what was made in Hickory.

Mr. Leonetti discussed looking at the themes and objectives. All the plan goals had been adapted to be consistent with the economic development chapter of the Hickory by Choice 2030 Strategic Plan. They went through a lot of those strategies that were within the City's main comprehensive plan. They looked at those and kind of tailored them to a little bit more of a focus on outdoor recreation. They fit into about 8 different themes. Looking at maintaining that group, they were not exactly sure what that was going to look like moving forward. The stakeholder group was not going to meet for the sake of meeting. They were going to talk to each other regularly and get input from that group on a pretty regular basis and work with others, whether that was business development resources, and looking at leveraging the Business Development Committee as well to provide input to the plan as they move into implementation. Continuing to collaborate with their business support resources, emphasizing entrepreneurship and support the ecosystem. Looking at business recruitment, retention, expansion, especially within those businesses that were either in that outdoor recreation sector or things that one element of their business was related to the outdoor recreation sector. He was meeting with PTI, which was a division of HSM, and they manufactured all the pool noodles. They were talking about that. That was one aspect of their business, but that could be related to when people were going out in the lake and using the natural resources, that could be part of that as well. Some of it was thinking outside the box as to which aspects of this that the businesses could get involved with and then working with new homegrown businesses. They talked a little bit on the manufacturing side. They had Charlie Mogray from Outdoor Supply on their stakeholder group. They also talked with the folks at Carolina Petalworks and Lightning Cycles during the development of the plan. Looking at the retail side as well. Some of that too with the manufacturing was figuring out how those manufacturers could get their products in the local retail stores. Changing that perception in modern manufacturing, promoting Made in Hickory, and then also continuing to as a group, to support and advocate for outdoor recreation infrastructure.

Mr. Leonetti discussed the next steps. This plan was reviewed multiple times by the City's Business Development Committee throughout the process. They considered it officially at their June meeting and recommended approval. They were going to continue working with that workgroup to transition that into a stakeholders' implementation group moving forward. There would be more of an ad hoc basis in terms of regular meetings. Also, this program allowed them access to training and technical assistance support that would enable staff to get technical assistance, attend trainings and conferences related to outdoor recreation, economic development, and the outdoor recreation economy in general. There was also access to university implementation services where several universities throughout the North UNC system could assist, whether that be a marketing plan, data analysis, and some other items related to the outdoor recreation sector.

Alderwoman Patton asked how they were going to push this out into the public or get more awareness.

Mr. Leonetti advised they were going to continue through the Business Development Committee. They probably would do some work through their social media plans and marketing efforts to get the word out there, and then also through the business community looking at some of the entrepreneurial support. The Chamber has a catalyst group that was founders and that more specialized outreach as well.

Mr. Leonetti wanted to thank especially Mr. David McRae, and Ms. Karen Smith from the Department of Commerce for all of their help and support putting together this plan. They had been great resources throughout the process. And Phil, who he did not know well yet, but he was the new region of this State. He referred to Mr. Kyle Case on the stakeholder group list. He ended up coming to work for the COG. He was still local and helped them a great deal with the plan. They hired a new Economic Development Planner, and he was going to help them a lot with the implementation process. He asked for questions.

Mayor Guess asked for questions.

Alderman Wood commented that the natural resources, was the critical piece of this, right? Without that, they were not having this conversation. What was the preservation element of this? Of the natural resources.

Mr. Leonetti thought a lot of that was not necessarily as much directly related to this plan, but that was working with the Parks and Recreation Department and when they were creating their Recreation Master Plans, ensuring that they were being good stewards of those items. Like the comprehensive plan talked about maintaining access and, protecting those natural resources. That was in a lot of the City's other plans, and they would continue trying to emphasize that as they move forward.

Mayor Guess commented that it could even go as far as IBTs.

Alderman Wood did not want to do this at the expense of what had brought them here in the first place. You deplete it. Look at what was happening in Paris. A bad comparison in terms of size of cities, but they could not swim in the water. If they do, they get sick. They do not want to go down that route.

Alderman Williams thought this was so timely because of the City's trail systems and the bond projects that tie in, dovetail very well. How was that being coordinated with all this?

Mr. Leonetti commented working with the trail system.

Alderman Williams mentioned they were also looking at some State park projects and other things.

Mr. Leonetti advised that he was not working in that realm every day, but they were working with folks, so that was talking with Mark Seaman, talking with Steve Miller, and their folks to make sure that they were all on the same page. They were building the projects, and from the business development standpoint, they were leveraging those to promote that private investment and economic development.

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

Mayor Guess moved, seconded by Alderman Williams approval of the Creating Outdoor Recreation Strategic Plan. The motion carried unanimously.

3. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

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

VACANT

Alderman Williams nominated William Roberts as an At-Large Representative on the Business Development Committee.

**CITIZENS ADVISORY**

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

VACANT

VACANT

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 1 (Wood Appoints) Lynn Sampson Eligible for Reappointment  
 At-Large (Outside City but within HRP) (Council Appoints) VACANT

**COMMUNITY RELATIONS COUNCIL**

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

**HICKORY REGIONAL PLANNING COMMISSION**

(Term Expiring 6-30; 3-Year Terms with Unlimited Appointments) (Appointed by City Council)  
 Ward 2 (Williams Appoints) VACANT  
 Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

Alderwoman Williams nominated Christina McNally as Ward 2 Representative on the Hickory Regional Planning Commission.

**HISTORIC PRESERVATION COMMISSION**

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

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 Ward 3 (Seaver Appoints) Pamela Kiefer Eligible for Reappointment

Alderman Seaver nominated Pamela Kiefer for Reappointment as Ward 3 Representative on the Library Advisory Board.

**PUBLIC ART COMMISSION**

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

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)

Appointment of a Staff Liaison to the Public Housing Authority Board

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 Ward 4 (Freeman Appoints) VACANT  
 Ward 5 (Zagaroli Appoints) VACANT  
 Ward 6 (Patton Appoints) VACANT  
 At-Large (Council Appoints) VACANT  
 At-Large (Council Appoints) VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Hickory High School VACANT  
 Homeschool VACANT

Alderwoman Williams moved seconded by Alderwoman Patton approval of the above nominations. 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 apologized to Doctor Millsaps who was in attendance. He thought he was representing as a Scout Leader.

Doctor Millsaps advised that was correct..

Mayor Guess was looking for the scouts, looking for uniforms, but when he did not see any uniforms in the beginning, he did not know that he was present. He asked him to introduce his group that was present, and he would let them introduce themselves individually. He asked him to tell them who his scout group was.

Doctor Josh Millsaps introduced himself, he was from Troop 1234, and with him were his daughters Catherine and Caroline who were working on the communication merit badge.

Mayor Guess asked if the ladies wanted to say anything.

Catherine Millsaps introduced herself and advised she was a Star Scout. It was important to her to learn how the City functions, especially everything Council does to help make sure that all the problems of the City were resolved.

Caroline Millsaps introduced herself.

Mayor Guess thanked them for being in attendance. He asked if there were any other scouts that were not in uniform that he did not recognize. He did not want to leave anybody out. He thought they had gotten a lot of information to take back and to share with their fellow scout folks there. They appreciated them being present as well.

Mayor Guess mentioned they just opened the Aviation Walk. That was the third of their five Hickory Trails. He wanted to mention that. Of course, he had been out there, and he knew a lot of them had been out there and seen that it was getting used. In kind of relation to that, he was at an event, where Hickory was recognized on social media by Oz Jewelers, that was Oz and Brenda Hefner, and they had been in business since 1983. They had a little contest going on in the City of Hickory about the best hidden gems of Hickory contest. The City's Riverwalk won "Best Hidden Gem of Hickory 2024" for the best proposal location. Apparently that was a site where people were going to propose. He asked them if they knew, and they said they were not sure if there had been a wedding actually there yet or not. But apparently, unbeknownst to him, that was a proposal site. Not only was it a proposal site, but it was the best proposal site in the City of Hickory. It had only been there for a short period of time, so they would see if the Aviation Walk could contend with that. He wanted to mention that as well. He displayed the award and asked that it be put with the rest of their accolades.

City Manager Warren Wood joked that he was going to put that on a ring for his wife.

Mayor Guess commented that was pretty big. He might have to put it on upside down so she would not see where it said Best Hidden Gem.

City Manager Warren Wood advised they would display it upstairs.

Mayor Guess thanked Doctor Millsaps, and the young ladies for being present, as well as others that were in attendance. He asked if any other Council members had anything that they wanted to refer to. No additional comments were made.

XIV. There being no further business, the meeting adjourned at 7:26 p.m.

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Mayor

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City Clerk



**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Steve Miller, Public Works Director**  
**Contact Person: Caroline M. Kone, PE, Transportation and Engineering Manager**  
**Date: July 30, 2024**  
**Re: Equipment Purchase for replacement of International Crew Cab**

**REQUEST**

Staff requests Council acceptance and approval of a bid and award to White's International Truck for the purchase of a 2024 CV515 SFA (CV515) Truck with Adkins Model 134-94-DW 11' Heavy Duty Service Body with warranty on the cab and chassis in the amount of \$145,728.

**BACKGROUND**

The Public Services Streets Division operates various types of equipment in the practice of operating, maintaining, and managing roadway infrastructure. The Division regularly purchases replacement equipment as the existing equipment ages out of becomes costly to maintain. Continued maintenance and operation of this piece of equipment has become ineffective due to mechanical wear and age.

The equipment is being replaced as a component of the Public Services Street Division's Capital Budget.

**ANALYSIS**

The 2024 CV515 SFA (CV515) Truck with Adkins Model 134-94-DW 11' Heavy Duty Service Body is budgeted in this Fiscal Year in Street Division (5460) Capital Budget. Specifications were prepared by the Street and Fleet Divisions to ensure we purchase the type of equipment that would best serve the Division. The proposed Crew Cab 2024 CV515 SFA (CV515) Truck with Adkins Model 134-94-DW 11' Heavy Duty Service Body meets all specifications. NC State Contract Number NCSA Contract # 22-08-0913.

**RECOMMENDATION**

Staff recommends Council acceptance and approval of a bid and award to White's International Truck for the purchase of a 2024 CV515 SFA (CV515) Truck with Adkins Model 134-94-DW 11' Heavy Duty Service Body with warranty on the cab and chassis in the amount of \$145,728.



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Steve Miller 7/13/24  
Initiating Department Head Date

Rodney Miller 8/12/24  
Asst. City Manager Rodney Miller Date

Kari Dunlap 8/14/24  
Finance Officer, Kari Dunlap Date

Yaldee Fox 8/14/24  
Asst. City Manager Yaldee Fox Date

Pat Beasley 8/14/24  
Asst. City Manager, R. Beasley Date

Cameron McHargue 8-14-24  
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

8.14.24  
Date

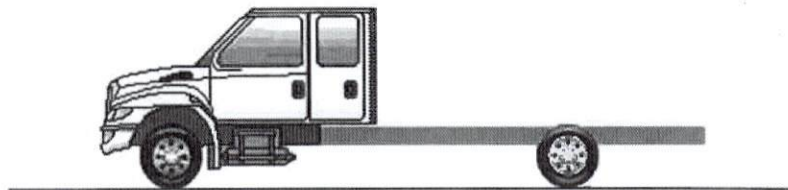


**INTERNATIONAL®****July 26, 2024**

**Prepared For:**  
 HICKORY, CITY OF  
 BRAD ABENATHY  
 75 N Center St.  
 Hickory, NC 28601-6221  
 (828)323 - 7575  
 Reference ID: CREW SEFRVICE

**Presented By:**  
 WHITE'S INTERNATIONAL TRUCK  
 Rick Beavan  
 7045 ALBERT PICK RD,  
 PO BOX 18605  
 GREENSBORO NC 27419 -  
 (336)553-4712

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.



**Model Profile**  
**2024 CV515 SFA (CV515)**

<b>AXLE CONFIG:</b>	4X4
<b>MISSION:</b>	Requested GVWR: 21000. Calc. GVWR: 23000. Calc. GCWR: 37500 Calc. Start / Grade Ability: 40.23% / 3.37% @ 55 MPH Calc. Geared Speed: 102.5 MPH
<b>DIMENSION:</b>	Wheelbase: 219.00, CA: 103.80, Axle to Frame: 75.00
<b>ENGINE, DIESEL:</b>	{International 6.6} EPA 2024, 350HP @ 2500 RPM, 750 lb-ft Torque @ 1400 RPM, 2900 RPM Governed Speed, 350 Peak HP (Max)
<b>TRANSMISSION, AUTOMATIC:</b>	{Allison 2750 RDS} 6th Generation Controls, Close Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, Includes Park Pawl, with 23,500-lb GVW and 37,500-lb GCW Max, On/Off Highway
<b>AXLE, FRONT DRIVING:</b>	{Dana Spicer 60-256} Single Reduction, 7,500-lb Capacity, with Hub Piloted Wheel Mounting
<b>AXLE, REAR, SINGLE:</b>	{Dana Spicer S16-130} Single Reduction, 15,500-lb Capacity, 190 Wheel Ends Gear Ratio: 4.30
<b>CAB:</b>	Conventional 6-Man Crew Cab
<b>TIRE, FRONT:</b>	(2) 225/70R19.5 Load Range H HDR 5 (CONTINENTAL), 647 rev/mile, 87 MPH, Drive
<b>TIRE, REAR:</b>	(4) 225/70R19.5 Load Range H HDR 5 (CONTINENTAL), 647 rev/mile, 87 MPH, Drive
<b>SUSPENSION, REAR, SINGLE:</b>	15,500-lb Capacity, Vari-Rate Springs
<b>PAINT:</b>	Cab schematic 100CX Location 1: 9219, Winter White (Std) Chassis schematic N/A

**INTERNATIONAL®****Vehicle Specifications  
2024 CV515 SFA (CV515)****July 26, 2024****Description**

Base Chassis, Model CV515 SFA with 219.00 Wheelbase, 103.80 CA, and 75.00 Axle to Frame.

**AXLE CONFIGURATION**

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AXLE CONFIGURATION {Navistar} 4x4

**Notes**

: Pricing may change if axle configuration is changed.

**ENGINE**

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ENGINE, DIESEL {International 6.6} EPA 2024, 350HP @ 2500 RPM, 750 lb-ft Torque @ 1400 RPM, 2900 RPM Governed Speed, 350 Peak HP (Max)

EMISSION, CALENDAR YEAR {International 6.6} EPA, OBD and GHG Certified for Calendar Year 2024

CARB EMISSION WARR COMPLIANCE for International 6.6 Engines

CARB IDLE COMPLIANCE Low NOx Idle Engine, Complies with California Clean Air Regulations; Includes "Certified Clean Idle" Decal on Hood

VEHICLE REGISTRATION IDENTITY ID for Other State &lt;&lt; This new vehicle contains a non-Mitigated Legacy Engine and must be registered outside of the State of California. You may be held liable under California law for failure to properly register or otherwise failing to follow California law &gt;&gt;

**Notes**

: CANNOT BE REGISTERED IN CALIFORNIA. For vehicles that will be registered in States other than California.

RADIATOR Aluminum, 3-Row, Down Flow, Front to Back System, 730 SqIn Louvered, with 578 SqIn Charge Air Cooler, Includes In-Tank Oil Cooler

FAN DRIVE Viscous Type, Screw On, Rear Tether, Electronically Controlled

AIR CLEANER Single Element, with Water Separator

BLOCK HEATER, ENGINE 120V/800W

GOVERNOR Electronic Road Speed Type; with 70 MPH Default

THROTTLE, HAND CONTROL Engine Speed Control for PTO; Electronic Controlled, On/Off Switch Mounted on Dash, with Steering Wheel Button Control

**TRANSMISSION**

---

TRANSMISSION, AUTOMATIC {Allison 2750 RDS} 6th Generation Controls, Close Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, Includes Park Pawl, with 23,500-lb GVW and 37,500-lb GCW Max, On/Off Highway

NEUTRAL AT STOP Allison Transmission Shifts to Neutral When Service Brake is Depressed and Vehicle is at Stop; Remains in Neutral Until Service Brake is Released

PTO LOCATION Customer Intends to Install PTO at Left Side of Transmission

SHIFT CONTROL PARAMETERS {Allison} 1000 or 2000 Series Transmissions, Performance Programming

TRANSFER CASE {Meritor MTC-3203} 2-Speed, Gear Drive, 3,000 lb-ft Torque Rating, Less PTO Provision, Electric Shift Control

**Notes**

: Transfer Case Includes 40W Synthetic Lube

**REAR AXLES, SUSPENSIONS**

---

AXLE, REAR, SINGLE {Dana Spicer S16-130} Single Reduction, 15,500-lb Capacity, 190 Wheel Ends . Gear Ratio: 4.30

**INTERNATIONAL®****Vehicle Specifications  
2024 CV515 SFA (CV515)****July 26, 2024****Description**

SUSPENSION, REAR, SINGLE 15,500-lb Capacity, Vari-Rate Springs

DIFFERENTIAL, LOCKING {Dana Spicer Trac-Lok} Torque Proportioning Limited Slip

SHOCK ABSORBERS, REAR (2)

**FRONT AXLES**

---

AXLE, FRONT DRIVING {Dana Spicer 60-256} Single Reduction, 7,500-lb Capacity, with Hub Piloted Wheel Mounting

AXLE, FRONT DRIVING, LUBE {EmGard FE-75W-90} Synthetic Oil; 1 thru 29.99 Pints

**FRONT SUSPENSIONS**

---

SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 7,500-lb Capacity, with Shock Absorbers

**CABS, COWLS, BODIES**

---

CAB Conventional 6-Man Crew Cab

Includes

: CAB DOOR LOCKS Power Door Locks All Doors

: DOME LIGHT, CAB with OFF/DOOR/ON Settings; Located in Overhead Console

: READING LIGHT, CAB Located in Overhead Console

: STEP (4) One Step Per Door

: STORAGE POCKET, DOOR (2) Full Length, Driver and Passenger Door

AIR BAG, FRONT, DRIVER SIDE

AIR BAG, FRONT, PASSENGER SIDE

AIR BAG, SIDE, DRIVER Seat Mounted, Outboard Side-Impact Airbag

AIR BAG, SIDE, PASSENGER Seat Mounted, Outboard Side-Impact Airbag

AIR BAG, SIDE CURTAIN Roof Mounted, for Front and Rear Outboard Seating Positions for Driver and Passenger Sides

AIR CONDITIONER with Heater, Single Zone

CAB INTERIOR TRIM Classic, for Crew Cab

Includes

: SUN VISOR (2) Vinyl

COLOR, INTERIOR Dark Ash

GAUGE CLUSTER English Speedometer, Includes English Odometer; Includes 3.5" Monochromatic Display with Personalization, Warning Messages and Vehicle Information

GLASS, ALL WINDOWS Solar Absorbing, Tint

MIRRORS (2) Manual Folding and Extending, Power Adjust, Heated, Turn Signal Indicator Located in Mirror, Black Heads and Arms, for 96" Load Width

MIRROR, INSIDE REAR VIEW with Manual Tilt

SEAT, DRIVER High Back with Integral Headrest, with Recline, Vinyl, Fixed Lumbar

SEAT, TWO-MAN PASSENGER High Back with Integral Headrest in Outboard Position, Center Fold-Down Armrest with Storage, Vinyl, with Recline

SEAT, REAR BENCH, Vinyl

WINDOW, POWER (4) in Left and Right Doors, Front and Rear



**INTERNATIONAL®****Vehicle Specifications  
2024 CV515 SFA (CV515)****July 26, 2024****Description****FRAMES**

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FRAME RAILS High Strength Low Alloy Steel (50,000 PSI Yield), Straight Top Flange with Contoured Bottom, Height Transitions from 7.375" (187.325mm) to 9.125" (231.775mm) to 7.625" (193.675mm); Width: 3.079" (78.21mm); Thickness: 0.3125" (7.94mm); 383.3" (9735.8mm) Max OAL

BUMPER, FRONT Contoured, Steel, Painted Black

TOW HOOK, FRONT (2) Frame Mounted

AF RANGE 50" (128cm) Through and Including 75" (190cm)

WHEELBASE RANGE 185" (470cm) Through and Including 236" (600cm)

**BRAKES**

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BRAKE SYSTEM, HYDRAULIC {Bosch} Split System, with Four Channel ABS, Traction Control, Electronic Stability Control, Hydromax Brake Booster with High Speed Master Cylinder and Trailer Sway Control

BRAKE, PARKING {Bosch} DSSA Type, 12" x 3"; for Hydraulic Brake Chassis; Foot Operated in Cab; Differential Mounted

BRAKES, FRONT {Meritor Quadraulic} Hydraulic Disc Type, with Four 64mm Diameter Pistons, 8,000-lb Capacity

DUST SHIELDS, FRONT BRAKE for Hydraulic Brakes

BRAKES, REAR {Meritor Quadraulic} Hydraulic Disc Type, with Four 64mm Diameter Pistons, 15,500-lb Capacity per Axle

DUST SHIELDS, REAR BRAKE for Hydraulic Brakes

**STEERING**

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STEERING GEAR {Bosch S2 8014 Plus} Power

STEERING COLUMN Tilting

STEERING WHEEL 4-Spoke; 15" Dia., Black

**DRIVELINES**

---

DRIVELINE SYSTEM {Dana Spicer} SPL100 Main Driveline, Direct Mount Transfer Case to Transmission, SPL70 Driveline to Front Axle, for 4x4

**EXHAUST SYSTEMS**

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EXHAUST SYSTEM Horizontal Dual Aftertreatment System, Frame Mounted Under Right Rail, for Single Horizontal Tail Pipe

ENGINE EXHAUST BRAKE for International 6.6 Engine

MANUAL REGEN Capability

**ELECTRICAL SYSTEMS**

---

ELECTRICAL SYSTEM 12-Volt for CV Model

**Includes**

: HAZARD SWITCH Push On/Push Off, Located on Top of Steering Column Cover

: HEADLIGHT DIMMER SWITCH Integral with Turn Signal Lever

: PARKING LIGHT PARKING LIGHT Integral with Front Turn Signal and Rear Tail Light

: TURN SIGNALS, FRONT Includes Reflectors and Solid State Flashers; Flush Mounted

: WINDSHIELD WIPER SWITCH 2-Speed with Wash and Intermittent Feature, Integral with Turn Signal Lever

ALTERNATOR {Denso SC6} Brush Type, 12 Volt, 220 Amp Capacity

**INTERNATIONAL®****Vehicle Specifications  
2024 CV515 SFA (CV515)****July 26, 2024****Description**

AUXILIARY HARNESS "Y" Harness for Auxiliary Front Head Lights (High/Low Beam), Marker Lights, and Turn Signals for Front Plow Applications

BATTERY BOX Steel, with Plastic Cover, 2 Battery Capacity, Parallel to Rail, 28" Wide, Mounted Left Side Under Cab

BATTERY SYSTEM {VARTA} Maintenance-Free, (2) 12-Volt 1100CCA Total, Top Threaded Stud

BODY BUILDER WIRING Rear of Frame; Includes One Sealed Connector for Separate Ground/Backup/ Left and Right Hand Turn, Left and Right Hand Tail/Stop/ Accessory Power and Combined for Left and Right Hand Stop/Turn

CLEARANCE/MARKER LIGHTS (5) Amber LED Lights, Flush Mounted on Cab

HEADLIGHTS Halogen, Composite Aero Design, Black Trim Bezel, with Daytime Running Lights

HORN, ELECTRIC (2) Trumpet Style

RADIO AM/FM/USB Input/Auxiliary Input/SD Card Slot, with 4.2" Color Touch Panel Display

SPEAKERS (6)

STARTING MOTOR 12 Volt

STOP, TURN, TAIL & B/U LIGHTS Multi-Function, Sealed, Incandescent Stop, Turn and Tail Lights, Backup Lights with Rear Reflex Reflector, Includes License Plate Light

SWITCH, AUXILIARY 1 to 4 Latching Switches with 30-Amp Fuses

SWITCH, TOGGLE, FOR WORK LIGHT Lighted; on Instrument Panel and Wiring Effects for Customer Furnished End of Frame Light

SWITCH, TOGGLE, ROOF WORKLIGHT Lighted; in Overhead Console and Wiring Effects for Customer Furnished Roof Mounted Light

TRAILER BRAKE CONTROL Integrated

TRAILER CONNECTION SOCKET Mounted at Rear of Frame, Wired for Turn Signals Combined with Stop, Compatible with Trailers with Combined Stop, Tail, Turn Lamps

**FRONT END**

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FRONT END Tilting, Fiberglass, with Three Piece Construction

BUG SCREEN Mounted Behind Grille

FENDER EXTENSIONS Painted

GRILLE Molded in Dark Gray

LOGOS EXTERIOR Model Badges

**SPEEDOMETER, TOOLS, MISC**

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PAINT SCHEMATIC, PT-1 Single Color, Design 100

PAINT TYPE Base Coat/Clear Coat, 1-2 Tone

PROMOTIONAL PACKAGE Government Silver Package

SNOW PLOW PREP PACKAGE Includes Wiring for Roof Mounted Light

GVWR WEIGHT CLASSIFICATION Class 6 (19,501-26,000 lbs)

**FUEL TANKS**

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**INTERNATIONAL®****Vehicle Specifications  
2024 CV515 SFA (CV515)****July 26, 2024****Description**

FUEL TANK Top Draw, Plastic, Rectangular, 17" Tank Depth, 40 US Gal (151L), Includes Auxiliary Draw Port and Fuel Filler Assembly, Mounted Between Frame Rails and Behind Rear Axle

DEF TANK 6.75 US Gal (26L) Capacity, Frame Mounted Outside Right Rail, Under Cab

**WHEELS, TIRES - FRONT**

---

WHEELS, FRONT {Accuride 50180} DISC; 19.5x6.75 Rims, Powder Coat Steel, 4-Hand Hole, 8-Stud, 275mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs

(2) TIRE, FRONT 225/70R19.5 Load Range H HDR 5 (CONTINENTAL), 647 rev/mile, 87 MPH, Drive

**WHEELS, TIRES - REAR**

---

WHEELS, REAR {Accuride 50180} DUAL DISC; 19.5x6.75 Rims, Powder Coat Steel, 4-Hand Hole, 8-Stud, 275mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs

(4) TIRE, REAR 225/70R19.5 Load Range H HDR 5 (CONTINENTAL), 647 rev/mile, 87 MPH, Drive

**WHEELS MISC OPTIONS**

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WHEEL SEALS, FRONT {Chicago Rawhide Nitrile} for Oil Lubricated Wheel Bearings

**Services Section:****WARRANTY**

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WARRANTY Standard for CV515, Effective with Vehicles Built December 3, 2018 or Later, CTS-3000A

ADKINS 11' HD SERVICE BODY MODEL 134-94-DW W/ EXTRA TOOL BOXES PER ATTACHED QUOTE.



**INTERNATIONAL®**

**Financial Summary  
2024 CV515 SFA (CV515)**

**July 26, 2024**

<u>Description</u>	(US DOLLAR)	<u>Price</u>
Net Sales Price:		\$112,300.00

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

Note: General surcharges included in this proposal will not increase unless the PPI Industry code, Transportation Equipment Truck and Bus Body-WPU1413 exceeds a 5% increase from December 2021 to December 2022, The surcharges are subject to reduction if commodity costs decline. (The General surcharge excludes features code driven surcharges such as tires, engine GHG, Government mandates, etc)

**Approved by Seller:**

**Accepted by Purchaser:**

\_\_\_\_\_  
**Official Title and Date**

\_\_\_\_\_  
**Firm or Business Name**

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
**Authorized Signature and Date**

WHITE'S INTERNATIONAL TRUCK  
7045 ALBERT PICK RD,  
PO BOX 18605  
GREENSBORO NC 27419 -  
(336)553-4712

**This proposal is not binding upon the seller  
without Seller's Authorized Signature**

\_\_\_\_\_  
**Official Title and Date**

**The TOPS FET calculation is an estimate for reference purposes only. The seller or retailer is responsible for calculating and reporting/paying appropriate FET to the IRS.**

**The limited warranties applicable to the vehicles described herein are Navistar, Inc.'s standard printed warranties which are incorporated herein by reference and to which you have been provided a copy and hereby agree to their terms and conditions.**

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

  
\_\_\_\_\_  
City of Hickory  
Finance Officer



11336 Reames Road | Charlotte, NC 28269  
 Office (980) 299-2726 | Mobile (704) 654-7853  
[www.adkinste.com](http://www.adkinste.com) | [dickm@adkinste.com](mailto:dickm@adkinste.com)

**QUOTATION**

v240708

Quote #

DM20240710-3C

Revised 7/23/2024

Date

7/10/2024

REF 4137 & 4138

Ref:

Adkins 134-94-DW

Service Body

w/Special 24" Tool

Boxes For 106" C/A

Attn: **Bradley Abernathy**  
 Company: **City Of Hickory**  
 Address: **1441 9th. Avenue N.E.**  
**Hickory, N.C. 28601**  
 Office: **828-323-7427**  
 Mobile:  
 Email: [babernathy@hickorync.gov](mailto:babernathy@hickorync.gov)

**Whites International/Rick Beavan**

QTY	DESCRIPTION	PRICE
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**BODY**

- 1 ADKINS MODEL 134-94-DW 11' HEAVY DUTY SERVICE BODY (20"D x 45"H Compartments, 54"W Cargo Area, Max 19,500 GVWR, 84"CA)(w/24" Tool Boxes Added To Front 106" C/A)
- 8 Chrome Handle / Black Housing 3-Point Door Locks
- 1 8" Heavy Duty Drop Down Tailgate
- 1 LED ICC Lighting Package Flush Mounted in Rear of Body (LED Stop, Turn, Tail, Marker and Back-Up Lights)
- 1 Recess in Bumper for ICC LED Bar Light
- 1 10" Step Bumper
- 1 Automotive Type Replaceable Door Seals
- 1 Gas Shock Door Holders
- 1 (2) Grab Handles Mounted on End of Compartments
- 1 Rubber Fenderettes Installed Around Wheel Wells
- 1 Set of Rear Mud Flaps
- 1 Back Up Alarm

**1st LEFT SPECIAL VERTICAL COMPARTMENT 34"W**

- 2 Adjustable Shelf w/ Removable Dividers

**2nd LEFT VERTICAL COMPARTMENT 21"W**

- 2 Adjustable Shelf w/ Removable Dividers

**LEFT HORIZONTAL COMPARTMENT 45"W**

- 1 Adjustable Shelf w/ Removable Dividers

**LEFT REAR VERTICAL COMPARTMENT 30"W**

- 1 Adjustable Shelf w/ Removable Dividers

**1st RIGHT SPECIAL VERTICAL COMPARTMENT 34"W**

- 2 Adjustable Shelf w/ Removable Dividers





11336 Reames Road | Charlotte, NC 28269  
Office (980) 299-2726 | Mobile (704) 654-7853  
[www.adkinste.com](http://www.adkinste.com) | [dickm@adkinste.com](mailto:dickm@adkinste.com)

**QUOTATION**  
v240708  
Quote #  
DM20240710-3C  
Revised 7/23/2024

**2nd RIGHT VERTICAL COMPARTMENT 21"W**

- 2 Adjustable Shelf w/ Removable Dividers

**RIGHT HORIZONTAL COMPARTMENT 45"W**

- 1 Adjustable Shelf w/ Removable Dividers

**RIGHT REAR VERTICAL COMPARTMENT 30"W**

- 1 Adjustable Shelf w/ Removable Dividers

**ADDITIONAL ITEMS**

- 1 Rod Type Master Locking System (Handles at Rear of Body)
- 1 Wheel Chock Storage Box in Street Side Fender Skirt Deep Enough For 2 Wheel Chocks
- 2 Wheel Chock WC1086 8"W x 6"H x 10"D (Rubber)

**TOOL BOXES**

- 1 Cross Frame Tool Box - 36"H x 24"W x 94"L (16Ga. Box, 2 Double Panel Doors One On Each Side, Stainless Steel Hinge, New Style 3 Point T-Handle Latches, Automotive Door Seal, Gas Shock Door Holders, Installed and Painted White) Box Mounted To Frame Of CV515 Gusset Plates. Also Includes A Full Length Fixed Heavy Duty Shelf Evenly Spaced (Half Way Up Compartment)
- 1 Cross Body Tool Box - 24"H x 24"W x 94"L (16Ga. Box, 2 Double Panel Doors One On Each Side, Stainless Steel Hinge, New Style 3 Point T-Handle Latches, Automotive Door Seal, Gas Shock Door Holders, Installed and Painted White) Box Mounted On Top Of Bottom Cross Frame Tool Box

**UNDERBODY TOOL BOXES**

- 2 Underbody Tool Boxes - 18"H x 18"D x 24"W (16 Ga. Box, 18 Ga. Double Panel Door, Stainless Steel Hinge, New Style 3 Point T-Handle Door Latch & Gas SHock Door Holder, Single Door, Automotive Door Seal, Installed and Painted White) Installed Under Cross Frame Tool Box One (1) Per Side

**TOWING**

- 1 2" Receiver Hitch w/ Safety Chain Hooks
- 1 7-Way RV Style Trailer Plug

**PAINT & FINISH**

- 1 Exterior of Body Primed & Painted White w/ Sherwin-Williams Genesis Polyurethane Paint
- 1 Zolatone Coating / Sealant Inside Compartments
- 1 Undercoat Entire Body



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[www.adkinste.com](http://www.adkinste.com) | [dickm@adkinste.com](mailto:dickm@adkinste.com)

**QUOTATION**  
v240708  
Quote #  
**DM20240710-3C**  
**Revised 7/23/2024**

**INSTALLATION**

- 1 Body Installed on Customer Supplied Chassis

**SAFETY**

- 1 Install Navistar OEM Backup Camera System Centered At Rear Just Above Receiver Hitch
- 1 Adkins 3 Ring Binder For All Manuals
- 1 Take Finished Unit To Jakes And Weigh On CAT Scale With Full Tank Of Fuel

**CHASSIS ITEMS**

- 1 Exhaust Extended to Outside Edge of Body

**TOTAL: \$ 33,428.00**

➤ **PRICE SUBJECT TO CHANGE DUE TO MARKET VOLATILITY** ◀

F.O.B. GREENSBORO, NC
TERMS: NET 10 DAYS
*PRICE DOES NOT INCLUDE ANY APPLICABLE TAXES

QUOTED BY: Deeb McDermott

CUSTOMER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Will Hamblin, Public Utilities Director**  
**Contact Person: Drew Foy, Assistant Public Utilities Director**  
**Date: August 20, 2024**  
**Re: Snow Creek Pump Station FEMA Grant Project – KCI Contract Amendment**

**REQUEST**

Staff requests Council acceptance of contract amendment with KCI Technologies Inc. in the amount of \$43,890.00 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station.

**BACKGROUND**

On January 21, 2024, Public Utilities applied for supplemental grant funding for an Emergency Management Disaster Relief and Mitigation grant through the NC Department of Public Safety. This grant application was intended to assist with cost overruns anticipated due to construction cost increases realized between the FEMA BRIC grant award and projected construction.

NCDPS approved this application and awarded the City of Hickory a grant in the amount of up to \$736,523 on May 3, 2024, for Snow Creek Pump Station relocation, flood hardening, and streambank restoration along Snow Creek, which Council approved on June 18, 2024.

**ANALYSIS**

Council approved the contract with KCI Technologies Inc. for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station on July 19, 2023.

This contract amendment will include the necessary grant management, reporting, and reimbursement requests required of the additional Disaster Relief and Mitigation Grant.

**RECOMMENDATION**

Staff recommends Council acceptance of contract amendment with KCI Technologies Inc. in the amount of \$43,890.00 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station.



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Project# 83312  
0658033-582004**

**Reviewed by:**

Will Hamblin *WH* 08/05/2024  
 Initiating Department Head Date

Rodney Miller *RM* 8/12/24  
 Asst. City Manager, Rodney Miller Date

Kari Duntap *KD* 8/14/24  
 Finance Officer, Kari Duntap Date

Yaidee Fox *YF* 8/14/24  
 Asst. City Manager, Yaidee Fox Date

Deputy City Attorney, A. Dula \_\_\_\_\_ Date \_\_\_\_\_

Asst. City Manager, R. Beasley \_\_\_\_\_ Date \_\_\_\_\_

Cameron McHargue *CM* 8-14-24  
 Deputy Finance Officer, Cameron McHargue Date

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

Warren Wood *WW*  
 City Manager, Warren Wood

8.14.24  
 Date



**AMENDMENT #1 TO PROFESSIONAL SERVICES AGREEMENT DATED  
July 18, 2023  
KCI Project No. 962107598**

**THIS AMENDMENT #1 TO PROFESSIONAL SERVICES AGREEMENT** (“Amendment”) is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2024, to the Agreement dated July 18, 2023 between the City of Hickory (“OWNER”), with principal offices at 76 North Center Street, Hickory, NC, 28601 and KCI Associates of North Carolina, P.A., an affiliate of KCI Technologies, Inc., a Delaware corporation (“CONSULTANT”), with principal offices at 4505 Falls of Neuse Road, Suite 400, Raleigh, NC 27609, hereinafter referred to jointly as the “Parties” or singularly as the “Party”, for services in connection with the project known as the Snow Creek Pump Station Relocation, Hardening and Stream Restoration Project (“Project”);

1. **Amendment to the Agreement.** The following section of the Professional Services Agreement dated July 18, 2023 (“**Agreement**”) is hereby amended by mutual agreement of the Parties as of the Effective Date:
  - a) The EXHIBIT A SCOPE OF SERVICES, Task 6 FEMA Grant Management section of the Agreement is amended by inserting at the end of the section the following:
 

KCI’s Services, including deliverables, shall also include those services detailed as follows:  
The CONSULTANT will oversee, track, and prepare reports on behalf of the OWNER for the execution of the awarded funding provided by the North Carolina Emergency Management Disaster Relief and Mitigation Fund. CONSULTANT will perform this oversight, to track construction contractors, and to monitor and oversee the construction process in accordance with the requirements of the awarded funding.
  - b) The FEES AND PAYMENTS section of the Agreement is amended by replacing Task 6 FEMA Grant Management “a lump sum fee of \$224,110” with “a lump sum fee of \$268,000”.
2. **Definitions.** Capitalized terms used and not defined in this Amendment have the respective meanings assigned to them in the Agreement.
3. **Agreement Remains in Effect.** Except as expressly provided in this Amendment, all of the terms and provisions of the Agreement are and shall remain in full force and effect and are hereby ratified and confirmed by the Parties. On and after the Effective Date, each reference in the Agreement to “this Agreement,” “the Agreement,” “hereunder,” “hereof,” “herein,” or words of like import will mean and be a reference to the Agreement as amended by this Amendment.
4. **Counterparts.** This Amendment may be executed in counterparts, each of which is deemed an original, but all of which constitute one and the same agreement.

Delivery of an executed counterpart of this Amendment electronically shall be effective as delivery of an original executed counterpart of this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

City of Hickory  
"OWNER"

BY: \_\_\_\_\_

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

TITLE: Mayor

ADDRESS: PO Box 398  
Hickory, NC 28603

"CONSULTANT"

BY:  \_\_\_\_\_  
1D04AED7A0CB046A...

NAME: Gary Mryncza

TITLE: Sector President, Vice President

ADDRESS: 4505 Falls of Neuse Road,  
Suite 400  
Raleigh, NC 27609

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

  
\_\_\_\_\_  
City of Hickory  
Finance Officer



**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Will Hamblin, Public Utilities Director**  
**Contact Person: Drew Foy, Assistant Public Utilities Director**  
**Date: August 20, 2024**  
**Re: Northeast WWTP FEMA Grant Project – KCI Contract Amendment**

**REQUEST**

Staff requests Council acceptance of contract amendment with KCI Technologies Inc. in the amount of \$52,000.00 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Northeast WWTF.

**BACKGROUND**

On January 21, 2024, Public Utilities applied for supplemental grant funding for an Emergency Management Disaster Relief and Mitigation grant through the NC Department of Public Safety. This grant application was intended to assist with cost overruns anticipated due to construction cost increases realized between the FEMA BRIC grant award and projected construction.

NCDPS approved this application and awarded the City of Hickory a grant in the amount of up to \$901,669 on May 3, 2024, for flood hardening and streambank restoration along Falling Creek at the Northeast WWTF, which Council approved on June 18, 2024.

**ANALYSIS**

Council approved the contract with KCI Technologies Inc. for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Northeast WWTF on June 21, 2022.

This contract amendment will include the necessary grant management, reporting, and reimbursement requests required of the additional Disaster Relief and Mitigation Grant.

**RECOMMENDATION**

Staff recommends Council acceptance of contract amendment with KCI Technologies Inc. in the amount of \$52,000 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Northeast WWTF.



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

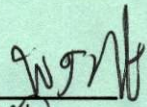
Yes

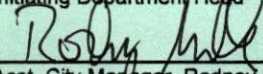
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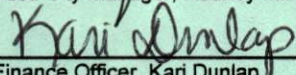
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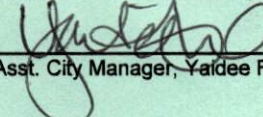
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0658033-582904**

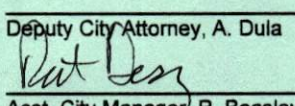
**Reviewed by:**

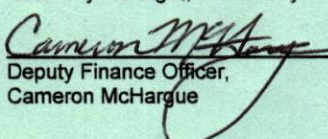
Will Hamblin  08/05/2024  
Initiating Department Head Date

Rodney Miller  8/12/24  
Asst. City Manager, Rodney Miller Date

Kari Dunlap  8/14/24  
Finance Officer, Kari Dunlap Date

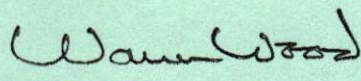
Yaidee Fox  8/14/24  
Asst. City Manager, Yaidee Fox Date

A. Dula  8/17/24  
Deputy City Attorney, A. Dula Date

R. Beasley  8-14-24  
Asst. City Manager, R. Beasley Date

Cameron McHargue  8-14-24  
Deputy Finance Officer, Cameron McHargue Date

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

Warren Wood   
City Manager, Warren Wood

8.14.24  
Date



**AMENDMENT #1 TO PROFESSIONAL SERVICES AGREEMENT DATED  
June 15, 2022  
KCI Project No. 962107597**

**THIS AMENDMENT #1 TO PROFESSIONAL SERVICES AGREEMENT** (“Amendment”) is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2024, to the Agreement dated June 15, 2022 between the City of Hickory (“OWNER”), with principal offices at 76 North Center Street, Hickory, NC, 28601 and KCI Associates of North Carolina, P.A., an affiliate of KCI Technologies, Inc., a Delaware corporation (“CONSULTANT”), with principal offices at 7015 Albert Pick Road, Suite A, Greensboro, NC 27409, hereinafter referred to jointly as the “Parties” or singularly as the “Party”, for services in connection with the project known as the Northeast Wastewater Treatment Facility Hardening And Stream Restoration Project (“Project”);

1. **Amendment to the Agreement.** The following section of the Professional Services Agreement dated June 15, 2022 (“**Agreement**”) is hereby amended by mutual agreement of the Parties as of the Effective Date:
  - a) The EXHIBIT A SCOPE OF SERVICES, Task 6 FEMA Grant Management section of the Agreement is amended by inserting at the end of the section the following:
 

KCI’s Services, including deliverables, shall also include those services detailed as follows:  
The CONSULTANT will oversee, track, and prepare reports on behalf of the OWNER for the execution of the awarded funding provided by the North Carolina Emergency Management Disaster Relief and Mitigation Fund. CONSULTANT will perform this oversight, to track construction contractors, and to monitor and oversee the construction process in accordance with the requirements of the awarded funding.
  - b) The FEES AND PAYMENTS section of the Agreement is amended by replacing Task 6 FEMA Grant Management “a lump sum fee of \$262,000” with “a lump sum fee of \$314,000”.
2. **Definitions.** Capitalized terms used and not defined in this Amendment have the respective meanings assigned to them in the Agreement.
3. **Agreement Remains in Effect.** Except as expressly provided in this Amendment, all of the terms and provisions of the Agreement are and shall remain in full force and effect and are hereby ratified and confirmed by the Parties. On and after the Effective Date, each reference in the Agreement to “this Agreement,” “the Agreement,” “hereunder,” “hereof,” “herein,” or words of like import will mean and be a reference to the Agreement as amended by this Amendment.
4. **Counterparts.** This Amendment may be executed in counterparts, each of which is deemed an original, but all of which constitute one and the same agreement.

Delivery of an executed counterpart of this Amendment electronically shall be effective as delivery of an original executed counterpart of this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

City of Hickory  
"OWNER"

BY: \_\_\_\_\_

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

TITLE: Mayor

ADDRESS: PO Box 398  
Hickory, NC 28603

"CONSULTANT"

BY:  \_\_\_\_\_

NAME: Gary Mryncza

TITLE: Sector President, Vice President

ADDRESS: 4505 Falls of Neuse Road,  
Suite 400  
Raleigh, NC 27609

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

  
\_\_\_\_\_  
City of Hickory  
Finance Officer



**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**

**From: Anna Beth Walker, Community Development Specialist**

**Contact Person: Anna Beth Walker, Community Development Specialist**

**Date: August 7, 2024**

**Re: Acknowledgement of conflict of Interest – Exodus Homes & Catawba County Council on Adolescents**

**REQUEST**

Staff requests that Council acknowledge publication of notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program ("CDBG").

**BACKGROUND**

The City of Hickory ("City") is a participating jurisdiction in the United States Department of Housing and Urban Development's Community CDBG program that allows funding to nonprofit organizations to undertake eligible activities. The City has received an application for funding from a nonprofit who has a Citizen's Advisory Committee member who sits on its Board of Directors and another nonprofit who has two current City employees who sit on its Board of Directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application.

**ANALYSIS**

Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program in the attached notice. The notice is posted on the City's website, City Hall, Patrick Beaver Memorial Library and the Ridgview Library.

**RECOMMENDATION**

Staff requests that Council acknowledge publication of notice of a conflict of interest stemming from two nonprofit's application for funding from the City's Community Development Block Grant Program ("CDBG").



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

**Dave Leonetti**

Initiating Department Head

**8/7/2024**

Date

Deputy City Attorney

Date

*Rodney Miller*  
Asst. City Manager, R. Miller

8/12/24

Date

*Phil Beasley*  
Asst. City Manager, R. Beasley

8/19/24

Date

*Kari Dunlap*  
Finance Director, Kari Dunlap

8/14/24

Date

*Cameron McHargue*  
Purchasing Manager,  
Cameron McHargue

8-14-24

Date

*Yaldee Fox*  
Exe Asst City Manager, Yaldee Fox

8/14/24

Date

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

*W. Wood*  
City Manager, W. Wood

8.14.24

Date



**NOTICE OF CONFLICT OF INTEREST  
CITY OF HICKORY**

The City of Hickory ("City") is a participating jurisdiction in the United States Department of Housing and Urban Development's Community CDBG program that allows funding to nonprofits through Public Service Activities. The City has received an application for funding from a nonprofit, Exodus Homes, who has a current Citizens Advisory Committee Member, Wesley Christopher, who sits on its Board of Directors. The City has also received an application for funding from another nonprofit, The Catawba County Council on Adolescents, who has two current City Staff members, Kari Dunlap and Mark Seaman, who sit on its Board of Directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application.

The public will take notice that Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, is hereby providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program. This publication of notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program ("CDBG") will be acknowledged at the August 20<sup>th</sup> Hickory City Council Meeting.

Persons wishing to comment on this notice must do so in writing to the Community Development Department, Office of Business Development, City of Hickory, at 76 North Center Street, PO Box 398, Hickory, NC 28603.

The City of Hickory does not discriminate on the basis of disability in the provision of its services as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Community Development Department at least 48 hours prior to the scheduled meeting. Non-English speaking persons who require translation services should also make their request 48 hours in advance. If you have a question about the meetings or would like to request assistance, please call the Community Development Specialist at (828)323-7414 (voice) or (828)323-7438 (TDD).

The notice is posted on the City's website and at the Patrick Beaver Memorial Library and the Ridgeview Library as well as City Hall beginning August 6<sup>th</sup>, 2024.



**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**

**From: John Marshall, Transportation Planning Manager**

**Contact Person: John Marshall, Transportation Planning Manager**

**Date: August 8, 2024**

**Re: 17<sup>th</sup> Street NW Extension – HL-0004 Change Order #1**

**REQUEST**

Staff requests Council approval and acceptance of Change Order #1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for construction phase services including design modifications and consulting services as directed by the City of Hickory during the construction phase of HL-0004 in the amount of \$49,897.54, 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 17<sup>th</sup> Street NW from 9th Avenue NW to Clement Blvd NW. This new connector will serve as an alternative to US 321 for local traffic and provide additional access for the newly planned Appalachian State University Campus.

**ANALYSIS**

Construction phase services are needed for 17<sup>th</sup> Street NW Extension, including a multi-use path, from 9th Avenue NW to Clement Blvd NW. TGS provided PE and Design service for HL-0004 and this change order will be an extension to their existing contract adding construction phase services including design modifications and consulting services.

**RECOMMENDATION**

Staff recommends Council approval and acceptance of Change Order #1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for design modifications and consulting services related to HL-0004 in the amount of \$49,897.54 contingent upon NCDOT concurrence.







**AMENDMENT NUMBER 1 TO THE AGREEMENT BETWEEN CITY OF HICKORY AND TGS ENGINEERS**

This is Amendment number 1 dated August 8<sup>th</sup>, 2024, to the agreement between City of Hickory (“Client”) and TGS Engineers (“Consultant”) dated April 19<sup>th</sup>, 2022 (“the Agreement”) concerning HL-0004

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

Consultant (or their subconsultant) will perform the following services:

- **Construction Phase Services**
  - Consultant will provide Design modifications and Consulting Services as directed by the City of Hickory during the construction phase of this Project. Said Design and Consulting requests shall be made in writing by the City.

**Any additional items not specifically mentioned in the list above or in the original scope of services are not included and will be considered Additional Services.**

For the services set forth above, Client shall pay Consultant the following compensation:

**Construction Phase Services** – Cost Plus with a maximum fee of Forty-Nine Thousand Eight Hundred Ninety-Seven Dollars and Fifty-Four Cents (\$49,897.54).

**Total Amendment Fees** not to exceed Forty-Nine Thousand Eight Hundred Ninety-Seven Dollars and Fifty-Four Cents (\$49,897.54).

CLIENT:

CITY OF HICKORY

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

Title: \_\_\_\_\_

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

CONSULTANT:

TGS Engineers

By: Jimmy L. Terry

Title: Project Manager

Date: August 8<sup>th</sup>, 2024

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

*Bari Dunlap*  
\_\_\_\_\_  
City of Hickory  
Finance Officer



Date of Issuance: August 8, 2024 Effective Date: \_\_\_\_\_

Project : HL-0004	Owner: City of Hickory	Owner's Contract No.:
Contract: HL-0004		Date of Contract: April 19, 2022
Contractor:TGS Engineers		Engineer's Project No.:

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description:

Construction phase services including design modifications and consulting services as directed by the City of Hickory during the construction phase of HL-0004

**Attachments (list documents supporting change):**

Contract Amendment 01

**CHANGE IN CONTRACT PRICE:**

Original Contract Price:

\$465,019.31

Current Contract Price:

\$465,019.31

Contract Contingency:

\$ \_\_\_\_\_

Current Available Contingency:

\$ \_\_\_\_\_

Amount of this Change Order:

\$49,897.54

Change Order to be Funded Through:

Contingency  Contract Price

Contingency Incorporating this Change Order:

\$ \_\_\_\_\_

Contract Price Incorporating this Change Order:

\$514,916.85

**CHANGE IN CONTRACT TIMES:**

Original Contract Times:  Working  Calendar Days  
 Days

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

Increase  Decrease from previously approved Change Orders  
 No. \_\_\_\_\_ to No. \_\_\_\_\_:

Substantial completion (days): \_\_\_\_\_

Ready for final payment (days): \_\_\_\_\_

Contract Times Prior to this Change Order:

Substantial Completion (Days or Date): \_\_\_\_\_

Ready for Final Payment (Days or Date): \_\_\_\_\_

Increase  Decrease of this Change Order:

Substantial Completion Date (Days or Date): \_\_\_\_\_

Ready for Final Payment (Days or Date): \_\_\_\_\_

Contract Times with all approved Change Orders:

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:

By: Jimmy L. Terry  
 Engineer (Authorized Signature)

Date: August 8<sup>th</sup>, 2024

Approved by Funding Agency

(if applicable): \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
 Owner (Authorized Signature)

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

ACCEPTED:

By: \_\_\_\_\_  
 Contractor (Authorized Signature)

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

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

**BUDGET REVISION # 3**

**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, 2025 and for the duration of the Project Ordinances noted herein.

<b>SECTION 1.</b> To amend the		General Fund	within the FY 2024-25 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Public Safety		15,789		
Culture & Recreation		22,305		
General Government			291,898	
Other Financing Uses		517,898		
	<b>TOTAL</b>	<b>555,992</b>	<b>291,898</b>	
To provide funding for the above, the		General Fund	revenues will be amended as follows:	
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Sales and Services		25,305		
Other Financing Sources		238,789		
	<b>TOTAL</b>	<b>264,094</b>	<b>-</b>	

<b>SECTION 2.</b> To amend the		Water/Sewer Fund	within the FY 2024-25 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Other Financing Uses		95,890		
	<b>TOTAL</b>	<b>95,890</b>	<b>-</b>	
To provide funding for the above, the		Water/Sewer Fund	revenues will be amended as follows:	
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Other Financing Sources		95,890		
	<b>TOTAL</b>	<b>95,890</b>	<b>-</b>	

<b>SECTION 3.</b> To amend the		Northeast Wastewater Treatment Facility FEMA Grant (#83309)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Water & Sewer Capital Projects		52,000		
	<b>TOTAL</b>	<b>52,000</b>	<b>-</b>	
To provide funding for the above, the		Northeast Wastewater Treatment Facility FEMA Grant (#83309)	revenues will be amended as follows:	
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Other Financing Sources		52,000		
	<b>TOTAL</b>	<b>52,000</b>	<b>-</b>	

<b>SECTION 4.</b> To amend the		Snow Creek Pump Station FEMA Grant (#83312)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Water & Sewer Capital Projects		43,890		
	<b>TOTAL</b>	<b>43,890</b>	<b>-</b>	
To provide funding for the above, the		Snow Creek Pump Station FEMA Grant (#83312)	revenues will be amended as follows:	
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
Other Financing Sources		43,890		
	<b>TOTAL</b>	<b>43,890</b>	<b>-</b>	

<b>SECTION 5. To amend the</b>		17th Street Northwest Extension (#54618)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
		<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>
General Capital Projects			1,249,898	
		<b>TOTAL</b>	1,249,898	-
To provide funding for the above, the 17th Street Northwest Extension (#54618) revenues will be amended as follows:				
		<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>
Other Financing Sources			291,898	
Restricted Intergovernmental			958,000	
		<b>TOTAL</b>	1,249,898	-

<b>SECTION 6. To amend the</b>		Sandy Ridge Intersection (#54615)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
		<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>
General Capital Projects			1,130,000	
		<b>TOTAL</b>	1,130,000	-
To provide funding for the above, the Sandy Ridge Intersection (#54615) revenues will be amended as follows:				
		<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>
Other Financing Sources			226,000	
Restricted Intergovernmental			904,000	
		<b>TOTAL</b>	1,130,000	-

**SECTION 7.** 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



5

## COUNCIL AGENDA MEMOS

**To:** City Manager's Office

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

**Contact Person:** Brian Frazier, Planning Director

**Date:** August 8, 2024

**Re:** Voluntary satellite annexation of property owned by Limited NC Properties, LLC.

### REQUEST

Consideration of the voluntary satellite annexation of 15.543 acres of property located on Kool Park Road NE across from 24<sup>th</sup> Street NE. This property is identified as PIN 372417222019.

### BACKGROUND

The property is currently located within the City of Hickory's extraterritorial jurisdiction and zoned R-2. The specific zoning permits single family attached and detached dwelling at a rate of 4 units per acre. The property owner has expressed interest in constructing housing on the property, but at this time the type and number of dwellings have not been disclosed.

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

### ANALYSIS

The owner of the property is requesting annexation in order to gain access to city utilities. As previously noted, the owner has expressed interest in constructing residences on the property.

Surrounding properties are zoned R-1 and R-2 Residential. The surrounding areas consist largely of single-family residences.

The current tax value of the property is \$153,700.00. If annexed, the property would generate \$699.00 in additional tax revenues. This value does not consider any new lots or residences constructed upon them.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary satellite annexation, and adequate public services are available.

### RECOMMENDATION

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



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier *BMF* 8/08/2024  
 Initiating Department Head Date

Robby Miller *RM* 8/12/24  
 Deputy City Manager R. Miller Date

Cari Dunlap *CD* 8/14/24  
 Finance Officer, C. Dunlap Date

Yaidee Fox *YF* 8/14/24  
 Asst City Manager Yaidee Fox Date

Deputy City Attorney, A. Dula 8/19/24  
 Date

Asst. City Manager, R. Beasley 8/14/24  
 Date

Deputy Finance Officer, Cameron McHargue 8-14-24  
 Date

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

Warren Wood  
 City Manager, Warren Wood

8.14.24  
 Date



**CITY OF HICKORY**  
**APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 7/2/2024

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

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

- The property be voluntarily annexed is located on Kool Park Road NE  
between 24th Street Drive NE and 22nd Street Lane NE  
and is shown in more detail on the attached survey.

PIN NO. (S) : 372417222019

Physical (Street) Address: 0 Kool Park Road NE, Hickory, NC 28601

- The property is owned by: (please print) Limited NC Properties, LLC  
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Limited NC Properties, LLC (Member Manager, Peter Cabrera)

Address: 1250 SE Maynard Road, Suite 102, Cary, NC 27511-6947

Phone Number: 919-413-2010

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

Agent Information:

Name: Jeff Hunter

Address: 17 Woodgate Court, Durham, NC 27713

Phone Number: 919-730-9420

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

5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

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

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

6. APPLICANT'S AFFIDAVIT

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

Limited NC Properties, LLC  
Printed Name of Property Owner(s)

*[Handwritten Signature]*  
Signature of Property Owner(s)

1250 SE Maynard Road, Suite 102, Cary, NC 27511-6947  
Address of Property Owner(s)

919-413-2010  
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of \_\_\_\_\_

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

My Commission Expires: \_\_\_\_\_  
Notary Public

State of North Carolina – County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Peter R. Cabrera personally came before me this day an acknowledged he she is the member of Limited NC properties, LLC corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable) and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 25<sup>th</sup> day of June, 2024.

My Commission Expires: 05-06-2029  
Jazmin Garcia-Hernandez  
Notary Public





## Annexation Plat Checklist

The survey map of your property is not acceptable as an annexation plat. Therefore, a Professional Land Surveyor must prepare an annexation plat of the area to be annexed. The surveyor will complete the checklist below as part of the preparation of the plat. The checklist must be returned with the plat before the review of the petition will begin.

Annexation know as: Limited NC Properties, LLC Date: 7/2/2024

To expedite the annexation process, you must submit two (2) copies of an annexation plat that has the information specified below, and shown on its face.

- Title ("Satellite Annexation" or "Contiguous Annexation").
- Title (known as \_\_\_\_\_) \*Should include the name of the property owner(s).
- Address (Physical Address if property has one).
- Parcel Identification Number (PIN).
- Date of Survey
- Township.
- County.
- Map scale (Both numeric and graphic).
- Existing City Limits if contiguous shown as bold broken lines as labeled as "Existing City Limits". Also list the plat book and page where the existing City Limits may be found. (For assistance, contact the City Surveyor's Office at 828.323.7414).
- New City Limits line(s) shown as bold solid lines and labeled "New City Limit Line".
- Bearing and distances for all City Limits lines.
- Area in Acres.
- North Arrow.
- Mayor / City Clerk Certification (see sample plat).
- Notary Certification for City Clerk.
- Register of Deeds Certification.
- Map Review Officer Certification.

- Grid Tie – If within 2,000 feet of grid monument tie to grid and rotate bearings north to grid north. If not, tie to intersection of two streets.
- Type & size of existing property corner markers.
- Vicinity map.
- Adjacent owner's names, Deed Book and Page number for each adjacent owner.
- Adjacent street names.
- If petition consists of a satellite annexation, the map must show the area proposed for annexation with relation to the primary corporate limits of the City of Hickory, (i.e., distance between nearest line of area being annexed and existing contiguous city limits). When there is question as to whether the area may be closer to another city than the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city.
- Map must conform to G.S. 47-30 (a) 18" X 24" and 47-30 (b) transparent and archival.
- Two copies of the transparent and archival map, with all original signatures, must be submitted.

Professional Land Surveyor Information

Name: David S. Clark

Address: 1920 32nd St NE, Hickory, NC 28601

Telephone Number: 828-256-6400

E-mail: shadowwolf\_clark@yahoo.com

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3703-0372

FILED ELECTRONICALLY  
 CATAWBA COUNTY NC  
 DONNA HICKS SPENCER

FILED Nov 12, 2021  
 AT 02:09:00 PM  
 BOOK 03703  
 START PAGE 0372  
 END PAGE 0374  
 INSTRUMENT # 27989  
 EXCISE TAX \$296.00

Excise Tax \$296.00	Return after recording to →	The Williams Law Firm, Attorneys at Law, PLLC PO BOX 3739, Hickory, NC 28603
Tax Map ID #	Prepared by	
PIN ID # 50293 & 53504	M. Elizabeth Williams	

BRIEF DESCRIPTION FOR INDEX → KOOL PARK RD. HICKORY, NC 28601

STATE OF NORTH CAROLINA  
 COUNTY OF CATAWBA

DATE  
 November 12, 2021

**GENERAL  
 WARRANTY DEED**

David Earl Yount and wife, Susan Wells Yount* *signing marital rights only  Whose mailing address is: 2850 Burlwood dr. Winston Salem, NC 27103	Limited NC Properties, LLC a North Carolina Limited Liability Company  Whose mailing address is: 1250 SE Maynard Rd. Suite 102 Cary, NC 27511
"Grantor"	"Grantee"

Enter in appropriate block for each Grantor and Grantee: title vesting name, mailing address, and, if appropriate, character of entity, (e.g., corporation, partnership, trust, unincorporated association, etc.)

NOTE: When reference herein is made to the GRANTOR and/or the GRANTEE, the singular shall include the plural, the neuter shall include the masculine as well as the feminine.

WITNESSETH

FOR VALUABLE CONSIDERATION RECEIVED, receipt of which is hereby acknowledged, the GRANTOR hereby has bargained sold and conveyed in fee simple unto the GRANTEE all that certain lot or parcel of land the City of Hickory, Hickory Township Catawba County more particularly described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A"  
 ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Submitted electronically by "The Williams Firm, PLLC"  
 in compliance with North Carolina statutes governing recordable documents  
 and the terms of the submitter agreement with the Catawba County Register of Deeds.



3703-0373

TO HAVE AND TO HOLD this realty and all privileges and appurtenances thereto belonging unto the GRANTEE its heirs, successors and/or assigns in fee simple.

And the GRANTOR covenants with the GRANTEE that GRANTOR is seized of the premises in fee simple, has the right to convey the same in fee simple, that the title is marketable and free and clear of all encumbrances, and that GRANTOR will forever warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions and/or easements affecting the subject realty.

Any matters an accurate survey of the subject realty would have revealed.



Seller(s) to CHECK

**SELLER'S "RESIDENCE" DISCLOSURE**

If checked, the property described herein includes the primary residence of at least one of the Grantor(s) pursuant to N.C. Gen. Stat. 105-317.2.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing.

(Entity Name)

By:

Title:

USE BLACK INK ONLY

*David Earl Yount* (Seal)  
David Earl Yount

BY:

Title:

*Susan Wells Yount* (Seal)  
Susan Wells Yount

	STATE OF NORTH CAROLINA COUNTY OF CATAWBA I certify that the following person(s) personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein: David Earl Yount and Susan Wells Yount <i>Venita Tracy Hentschel</i> Date: November 12, 2021 Notary Public Printed Name Venita Tracy Hentschel My Commission Expires: March 10, 2025

3703-0374

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR:**  
**Limited NC Properties, LLC**

TRACT I: BEGINNING at an iron stake in the Kook Park Road, Roy Propst's Northwest corner and runs thence with Propst's western line South 18° West 1699.5 feet to an iron stake in Arthur Stine's northern line; thence with Stine's northern line North 80° 30' West 632.73 feet to an iron stake; thence with Bailey's eastern line North 40° 47' 20" East 499.04 feet to an iron stake; thence continuing with Bailey's line North 24° 29' East 666.35 feet to an iron stake in the center of the creek; thence with the center of the creek North 42° 10' 20" East 217.82 feet to an iron stake; thence continuing with the center of the creek North 6° 47' 20" East 36.96 feet to an iron stake; thence continuing with the center of the creek North 19° 53' West 436.11 feet to an iron stake; thence continuing with the center of the creek North 25° 48' West 82.46 feet to an iron stake; thence with the center of the creek North 44° 58' 20" West 42.02 feet to an iron stake; thence continuing with the center of the said creek North 21° 50' East 57.95 feet to an iron stake; thence continuing with the center of said creek North 6° 51' East 335.27 feet to an iron stake; thence continuing with the center of said creek North 4° 29' 30" East 71 feet to an iron stake in the edge of the Kook Park Road; thence leaving the creek South 34° 53' 10" East 347.18 feet to an iron stake; thence South 66° East 297 feet to an iron stake; thence South 58° East 436 feet to the point and place of BEGINNING, containing 24.356 acres, more or less.

The above description was taken from an actual survey by Rex F. Miller & Co. dated April 5, 1966.

LESS AND EXCEPT from the above-described tract is that 10.55 acres, more or less, as conveyed to The Grace Group, LLC by that deed recorded in Book 2019 at Page 1133, Catawba County Registry.

ALSO, CONVEYED HERewith is all of that 0.994 of an acre as more fully described in that deed recorded in Book 1680 at Page 590, Catawba County Registry.

Parcel ID: 372417222019  
 LRK/REID: 53504

TRACT II: Lying and being in Hickory township and Clines Township, Catawba County, North Carolina, more particular described as: Beginning at a point in the center of the bridge which crosses Snow Creek on Kool Park Road (SR 1400) and runs with the center line of the right-of-way for Kool Park Road in the six following bearings and distances: South 43° 34' 57" East 153.22 feet to a point; then South 47° 05' 00" East 112.08 feet to a point; then South 51° 32' 00" East 178.16 feet to a point; then South 56° 19' 00" East 161.37 feet to a point; then South 56° 45' 00" East 300.29 feet to a point; then South 56° 47' 46" East 192.53 feet to a PK nail in the center of the right-of-way for Kool Park Road at the old western line of Katie P. Isenhour, et al; thence South 7° 47' 14" West 20.32 feet to a new iron pin the old northeast corner of the Dallas E. Yount Property (Deed Book 926, Page 347) in the old western line of Katie P. Isenhour, et al; thence with the Northern line of the Dallas E. Yount Property (Deed Book 926, Page 347) the four following bearings and distances: North 69° 13' 52" West 50.10 feet to a point in the right-of-way of Kool Park Road; and then North 58° 11' 21" West 436.00 feet to a new iron pin South of the southern margin of the right-of-way of Kool Park Road; and then North 66° 11' 21" West 297.00 feet to a new iron pin; and then North 35° 04' 31" West 347.18 feet to a point in the center of Snow Creek; thence with the center of Snow Creek North 33° 57' 49" East 34.42 feet to the point of Beginning; and containing 1.311 acres, more or less; according to a drawing of an actual field survey entitled "Survey for Edna Lail Eckard Heirs, Clines Township, Catawba County, N.C." dated March 14, 1990 by Marion E. Bolch, RLS, L768, Bolsch Surveying, Hickory, N.C. bearing drawing number D10-2583 which drawing refers to Tax Map 155H, Block 1, Lot 15 and Tax Map 14-13, Block 1, Lot 5. Reference is also made to Catawba County PIN: 3724-13-13-9028-0000 and Parcel #14130500102. Subject to the existing Right-of Way for Kool Park Road (SR 1400).

Parcel ID: 372413139028  
 LRK/REID: 50293





LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022  
 NAME OF LIMITED LIABILITY COMPANY: Limited NC Properties LLC

SECRETARY OF STATE ID NUMBER: 0857333 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only  
 E - Filed Annual Report  
 0857333  
 CA202309101860  
 4/1/2023 01:00  
 Changes

**SECTION A: REGISTERED AGENT'S INFORMATION**

1. NAME OF REGISTERED AGENT: Cabrera, Peter Raul

2. SIGNATURE OF THE NEW REGISTERED AGENT: \_\_\_\_\_  
 SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

1250 SE Maynard Rd., Suite 102 1250 SE Maynard Rd., Suite 102  
Cary, NC 27511-6947 Wake County Cary, NC 27511-6947

**SECTION B: PRINCIPAL OFFICE INFORMATION**

1. DESCRIPTION OF NATURE OF BUSINESS: Office Condo Rental and Real Estate Investments

2. PRINCIPAL OFFICE PHONE NUMBER: (919) 413-2010 x 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS

1250 SE Maynard Rd., Suite 102 1250 SE Maynard Rd., Suite 102  
Cary, NC 27511-6947 Cary, NC 27511-6947

6. Select one of the following if applicable. (Optional see instructions)

- The company is a veteran-owned small business
- The company is a service-disabled veteran-owned small business

**SECTION C: COMPANY OFFICIALS** (Enter additional company officials in Section E.)

NAME: <u>Peter R. Cabrera</u>	NAME: _____	NAME: _____
TITLE: <u>Member</u>	TITLE: _____	TITLE: _____
ADDRESS: _____	ADDRESS: _____	ADDRESS: _____
<u>1250 SE Maynard Road, Suite 102</u>		
<u>Cary, NC 27511</u>		

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

Peter R. Cabrera 4/1/2023  
 SIGNATURE DATE

Form must be signed by a Company Official listed under Section C of This form.

Peter R. Cabrera Member  
 Print or Type Name of Company Official Print or Type Title of Company Official

This Annual Report has been filed electronically.

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





**Satellite Annexation  
by the City of Hickory  
of the Limited NC Properties LLC property**

That certain parcel or tract of land lying and being about 4.00 miles north northeast of the center of the City of Hickory. Bounded on the north by the 60' right-of-way of Kool Park Road (S.R. 1400); on the east by the existing City of Hickory city limits as shown in Plat Book 46 at Page 98 and Brookfield Subdivision as Shown in Plat Book 43 at Page 137; on the south by the existing City of Hickory city limits as shown in Plat Book 46 at Page 98, Brookfield Subdivision as shown in Plat Book 43 at Page 138, the lands of the City of Hickory as described in Deed Book 2262 at Page 482; on the west by the lands of Matthew Poteet as described in Deed Book 3209 at Page 311, the unopened right-of-way of 24<sup>th</sup> Avenue Drive NE, the lands of Carroll E. Baker LFI as described in Deed Book 3454 at Page 1186 and more particularly described as follows, to wit.

Beginning at pipe, the northwest corner of Lot 1 of Brookfield Subdivision as shown in Plat Book 43 at Page 137 in the west line of the existing City of Hickory city limits as shown in Plat Book 46 at Page 98, said pipe being located North 74 degrees 30 minutes 19 seconds East 6,689.18 feet from NCGS Monument "Honeycutt", said monument having N.C. grid coordinates (NAD 83/1986) of N 225,835.502 (m), E 401,165.052 (m) and running thence, with the existing city limits and the west line of Lots 1-7 of Brookfield Subdivision, the following calls: South 16 degrees 58 minutes 46 seconds West 181.29 feet to a rod in the west line of Lot 2; thence South 18 degrees 52 minutes 35 seconds West 35.08 feet to a rod, the southwest corner of Lot 2; thence, continuing the same bearing, a distance of 95.00 feet to a rod, the southwest corner of Lot 3; thence, continuing the same bearing, a distance of 95.00 feet to a rod, the southwest corner of Lot 4; thence, continuing the same bearing, a distance of 98.29 feet to the southwest corner of Lot 5; thence, continuing the same bearing, a distance of 76.76 feet to a rod, the southwest corner of Lot 6; thence, continuing the same bearing, a distance of 194.87 feet to a pipe, the southwest corner of Lot 7; thence, with the existing city limits, the north line of Brookfield Subdivision, the lands of the City of Hickory as described in Deed Book 2262 at Page 482 and the center of Snow Creek as it meanders, North 66 degrees 12 minutes 05 seconds West 179.19 feet to a point; thence North 48 degrees 43 minutes 47 seconds West 15.82 feet to a point; thence North 50 degrees 38 minutes 22 seconds West 207.88 feet to a point; thence, as new City of Hickory city limits and with the east line of the lands of Matthew Poteet as described in Deed Book 3209 at Page 311, crossing the eastern terminus of the unopened right-of-way of 24<sup>th</sup> Avenue Drive NE, the east line of the lands of Carroll E. Baker LFI as described in Deed Book 3454 at Page 1186 and the center of Snow Creek as it meanders, the following calls: North 45 degrees 21 minutes 24 seconds West 201.66 feet to a point; thence North 36 degrees 15 minutes 48 seconds West 64.79 feet to a point; thence North 07 degrees 25 minutes 00 seconds East 29.68 feet to a point; thence North 82 degrees 40 minutes 58 seconds East 21.06 feet to a point; thence



North 28 degrees 34 minutes 06 seconds West 104.33 feet to a point; thence North 07 degrees 24 minutes 50 seconds West 38.32 feet to a point; thence North 17 degrees 14 minutes 07 seconds East 31.79 feet to a point; thence North 39 degrees 32 minutes 04 seconds west 76.53 feet to a point; thence North 28 degrees 34 minutes 22 seconds West 96.28 feet to a point; thence North 16 degrees 57 minutes 39 seconds West 108.13 feet to a point; thence North 28 degrees 40 minutes 00 seconds West 66.03 feet to a point; thence North 29 degrees 56 minutes 02 seconds West 32.87 feet to a point; thence North 27 degrees 24 minutes 00 seconds East 75.55 feet to a point; thence North 16 degrees 28 minutes 21 seconds West 57.99 feet to a point; thence North 44 degrees 59 minutes 51 seconds East 12.84 feet to a point; thence North 21 degrees 56 minutes 22 seconds East 42.34 feet to a point; thence North 06 degrees 10 minutes 55 seconds West 64.29 feet to a point; thence North 37 degrees 09 minutes 26 seconds East 38.71 feet to a point; thence North 01 degrees 58 minutes 21 seconds West 122.89 feet to a point; thence North 11 degrees 06 minutes 19 seconds East 63.33 feet to a point; thence North 57 degrees 58 minutes 13 seconds East 32.23 feet to a point in the center of Kool Park Road (S.R. 1400); thence, with the center of Kool Park Road (S.R. 1400) and as new city limits lines, the following calls: South 45 degrees 12 minutes 48 seconds 225.00 feet to a point; thence South 50 degrees 31 minutes 50 seconds East 92.00 feet to a point; thence South 53 degrees 33 minutes 13 seconds East 100.00 feet to a point; thence South 56 degrees 16 minutes 40 seconds East 135.00 feet to a point; thence South 57 degrees 40 minutes 47 seconds East 532.00 feet to a point; thence, leaving the center of Kool Park Road (S.R. 1400) and with existing city limits, South 16 degrees 58 minutes 46 seconds West 31.11 feet to the point of beginning. Containing 15.543 acres more or less.

This description was drawn from a plat by David S. Clark, P.L.S. L-2829, titled "Satellite Annexation by the City of Hickory known as the Limited NC Properties LLC" and dated June 4, 2024.



**VOLUNTARY SATELLITE ANNEXATION ANALYSIS**

**APPLICANT:** Limited NC Properties, LLC

**AGENT:** Jeff Hunter

**PROPERTY LOCATION:** Southside of Kool Park Road NE across from 24<sup>th</sup> Street NE

**PIN:** 372417222019

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

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

**ACREAGE:** 15.543 acres

**DEVELOPMENT POTENTIAL:** The property is currently located within the City of Hickory’s extraterritorial jurisdiction and zoned R-2. The specific zoning permits single family attached and detached dwelling at a rate of 4 units per acre. The property owner has expressed interest in constructing housing on the property, but at this time the type and number of dwellings have not been disclosed.

**TAX VALUE:** The current tax value of the property is \$153,700.00. If annexed, the property would generate \$699.00 in additional tax revenues.

**POPULATION INCREASES:** The property is vacant, but the owner has interest in developing the property for housing. At this time the type and number of dwellings have not been disclosed. A household in the City of Hickory is estimated to contain 2.36 persons. Once more information is provided about the scale of any development on the property, a better estimate can be provided.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Catawba County Public 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	Campbell	0.27	Unknown	Unknown
Middle	Arndt	0.09	Unknown	Unknown
High	St. Stephens	0.14	Unknown	Unknown

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

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

- **North**: The properties are zoned R-1 Residential. These properties are occupied by residences.
- **South**: The properties are zoned R-2 Residential and occupied residences of vacant.
- **East**: The properties are zoned R-2 Residential and occupied by residences.
- **West**: The properties are zoned R-1 Residential and occupied by residences.

**UTILITY SERVICE:** Water and sewer are available to serve the property. A 12 inch water line is along Kool Park Rd NE, and an 18 inch sewer line runs along the creek on the SW edge of the property. The developer would be responsible for any extension necessary to serve future development.

**ACCESS:** Access to the property is from Kool Park Road NE, which is maintained by the NCDOT (SR 1400).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is located approximately 1800 feet east of the current proper city boundary.

**STAFF COMMENTS:**

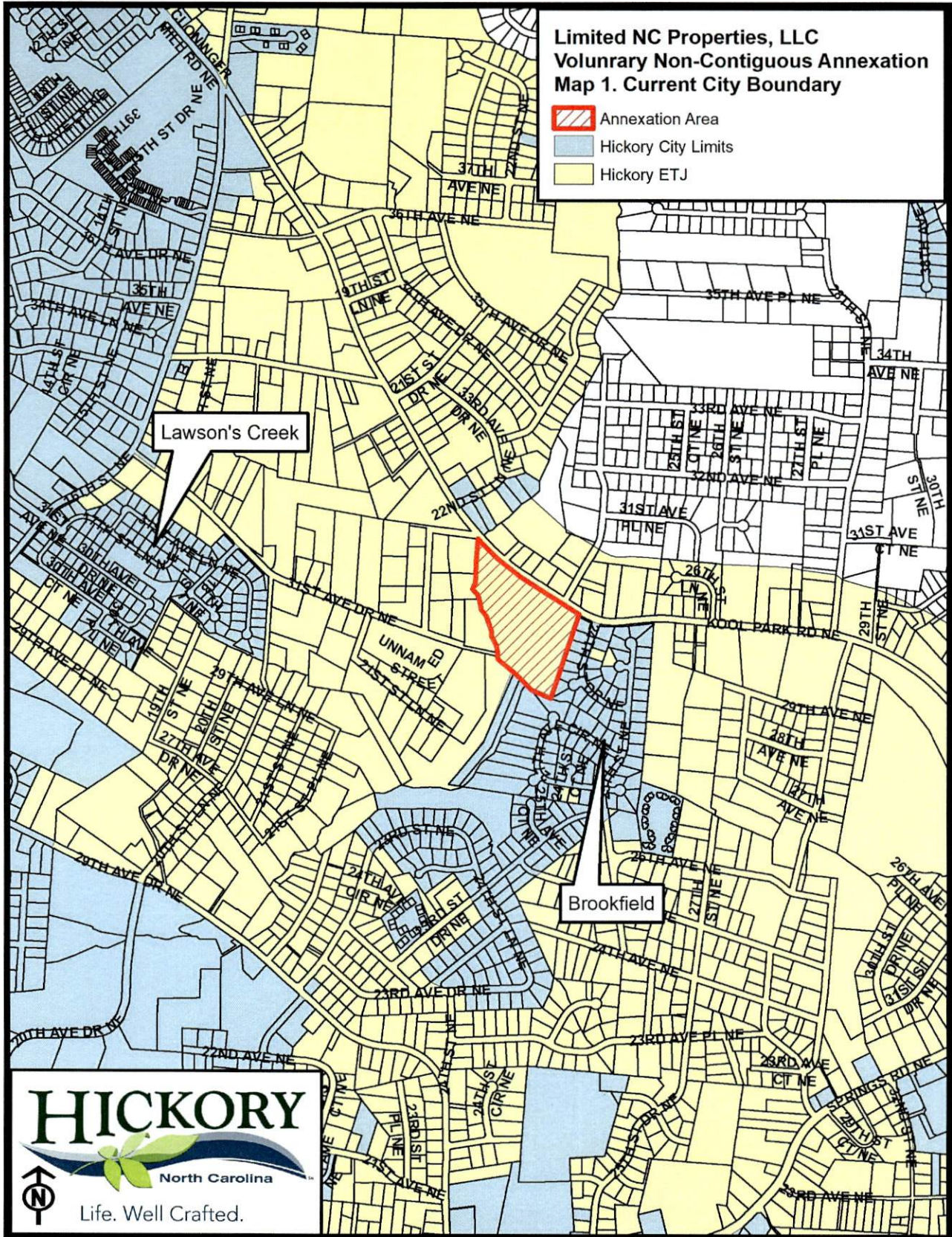
- **Fire**: The annexation of this property, is currently adjacent to HFD Station 2's response area, would not adversely affect the fire department's operations.
- **Police Department**: Annexation would not adversely affect the police department. The property, upon annexation, will be in Baker PACT.
- **Engineering**: No objections.
- **Planning**: No objections.
- **Public Services**: No objections.
- **Public Utilities**: Water and sewer are both available to serve the property. A 12 inch water line is along Kool Park Rd NE, and an 18 inch sewer line runs along the creek on the SW edge of the property. The developer would be responsible for any extension necessary to serve future development.
- **Legal**: No objections.
- **City Manager's Office**: No objections.

**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

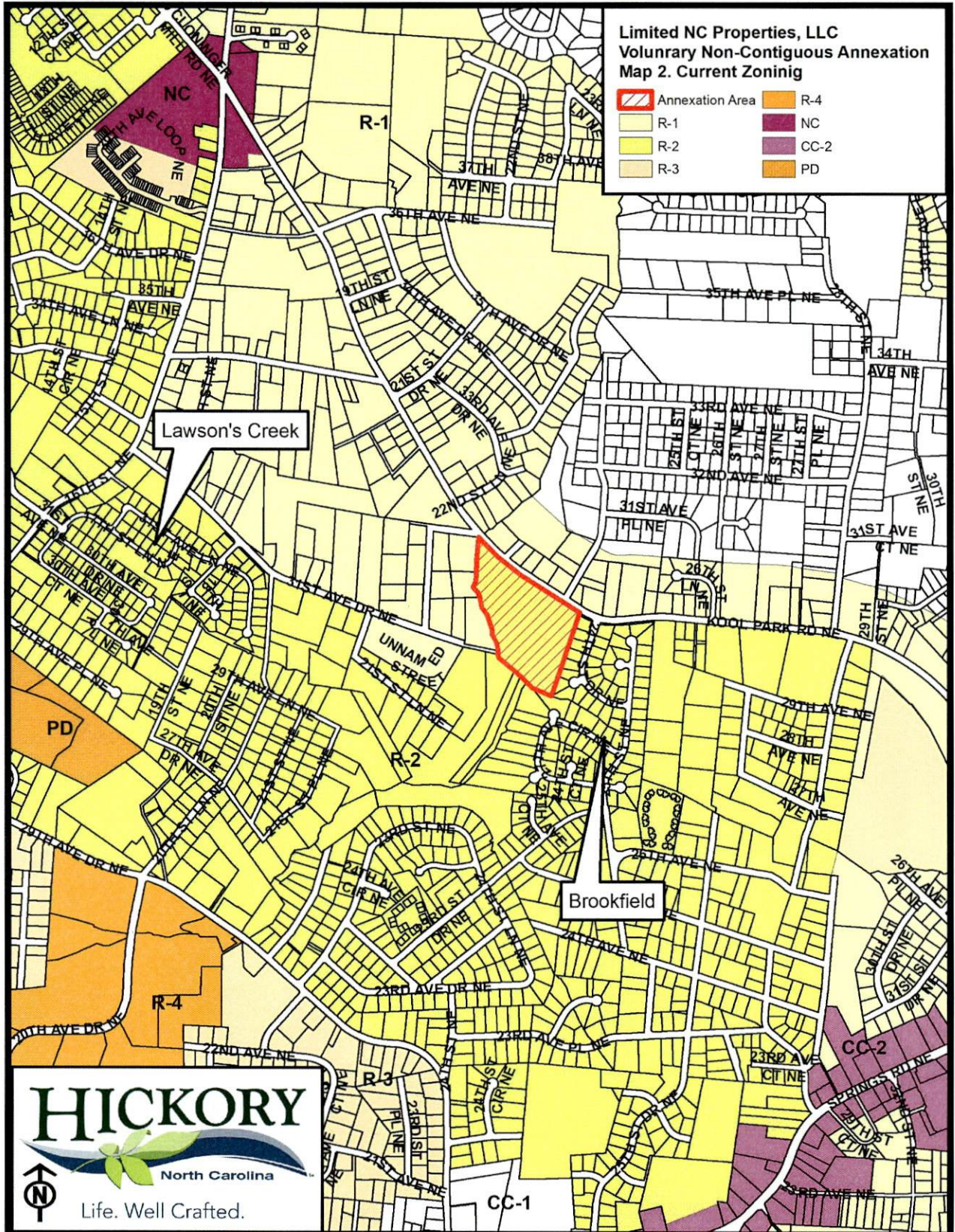
1. The voluntary satellite annexation petition complies with applicable statutes regarding the voluntary annexation of satellite properties.
2. Adequate public services are available in sufficient quantities to properly serve the property, subject to the comments provided above.
3. The annexation of 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 satellite annexation petition.



















Prepared by: City Attorney, Timothy Swanson  
City of Hickory, P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 504**

**VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)**

**Limited NC Properties, LLC**

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 20<sup>th</sup> day of August 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.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Hickory.

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

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

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

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

**Satellite Annexation  
by the City of Hickory  
of the Limited NC Properties LLC Property**

That certain parcel or tract of land lying and being about 4.00 miles north northeast of the center of the City of Hickory. Bounded on the north by the 60' right-of-way of Kool Park Road (S.R. 1400); on the east by the existing City of Hickory city limits as shown in Plat Book 46 at Page 98 and Brookfield Subdivision as Shown in Plat Book 43 at Page 137; on the south by the existing City of Hickory city limits as shown in Plat Book 46 at Page 98, Brookfield Subdivision as shown in Plat Book 43 at Page 138, the lands of the City of Hickory as described in Deed Book 2262 at Page 482; on the west by the lands of Matthew Poteet as described in Deed Book 3209 at Page 311, the unopened right-of-way of 24<sup>th</sup> Avenue Drive NE, the lands of Carol



E. Baker LFI as described in Deed Book 3454 at Page 1186 and more particularly described as follows, to wit.

Beginning at pipe, the northwest corner of Lot 1 of Brookfield Subdivision as shown in Plat Book 43 at Page 137 in the west line of the existing City of Hickory city limits as shown in Plat Book 46 at Page 98, said pipe being located North 74 degrees 30 minutes 19 seconds East 6,689.18 feet from NCGS Monument "Honeycutt", said monument having N.C. grid coordinates (NAD 83/1986) of N 225,835.502 (m), E 401,165.052 (m) and running thence, with the existing city limits and the west line of Lots 1-7 of Brookfield Subdivision, the following calls: South 16 degrees 58 minutes 46 seconds West 181.29 feet to a rod in the west line of Lot 2; thence South 18 degrees 52 minutes 35 seconds West 35.08 feet to a rod, the southwest corner of Lot 2; thence, continuing the same bearing, a distance of 95.00 feet to a rod, the southwest corner of Lot 3; thence, continuing the same bearing, a distance of 95.00 feet to a rod, the southwest corner of Lot 4; thence, continuing the same bearing, a distance of 98.29 feet to the southwest corner of Lot 5; thence, continuing the same bearing, a distance of 76.76 feet to a rod, the southwest corner of Lot 6; thence, continuing the same bearing, a distance of 194.87 feet to a pipe, the southwest corner of Lot 7; thence, with the existing city limits, the north line of Brookfield Subdivision, the lands of the City of Hickory as described in Deed Book 2262 at Page 482 and the center of Snow Creek as it meanders, North 66 degrees 12 minutes 05 seconds West 179.19 feet to a point; thence North 48 degrees 43 minutes 47 seconds West 15.82 feet to a point; thence North 50 degrees 38 minutes 22 seconds West 207.88 feet to a point; thence, as new City of Hickory city limits and with the east line of the lands of Matthew Poteet as described in Deed Book 3209 at Page 311, crossing the eastern terminus of the unopened right-of-way of 24<sup>th</sup> Avenue Drive NE, the east line of the lands of Carroll E. Baker LFI as described in Deed Book 3454 at Page 1186 and the center of Snow Creek as it meanders, the following calls: North 45 degrees 21 minutes 24 seconds West 201.66 feet to a point; thence North 36 degrees 15 minutes 48 seconds West 64.79 feet to a point; thence North 07 degrees 25 minutes 00 seconds East 29.68 feet to a point; thence North 82 degrees 40 minutes 58 seconds East 21.06 feet to a point; thence North 28 degrees 34 minutes 06 seconds West 104.33 feet to a point; thence North 07 degrees 24 minutes 50 seconds West 38.32 feet to a point; thence North 17 degrees 14 minutes 07 seconds East 31.79 feet to a point; thence North 39 degrees 32 minutes 04 seconds West 76.53 feet to a point; thence North 28 degrees 34 minutes 22 seconds West 96.28 feet to a point; thence North 16 degrees 57 minutes 39 seconds West 108.13 feet to a point; thence North 28 degrees 40 minutes 00 seconds West 66.03 feet to a point; thence North 29 degrees 56 minutes 02 seconds West 32.87 feet to a point; thence North 27 degrees 24 minutes 00 seconds East 75.55 feet to a point; thence North 16 degrees 28 minutes 21 seconds West 57.99 feet to a point; thence North 44 degrees 59 minutes 51 seconds East 12.84 feet to a point; thence North 21 degrees 56 minutes 22 seconds East 42.34 feet to a point; thence North 06 degrees 10 minutes 55 seconds West 64.29 feet to a point; thence North 37 degrees 09 minutes 26 seconds East 38.71 feet to a point; thence North 01 degrees 58 minutes 21 seconds West 122.89 feet to a point; thence North 11

degrees 06 minutes 19 seconds East 63.33 feet to a point; thence North 57 degrees 58 minutes 13 seconds East 32.23 feet to a point in the center of Kool Park Road (S.R. 1400); thence, with the center of Kool Park Road (S.R. 1400) and as new city limits lines, the following calls: South 45 degrees 12 minutes 48 seconds 225.00 feet to a point; thence South 50 degrees 31 minutes 50 seconds East 92.00 feet to a point; thence South 53 degrees 33 minutes 13 seconds East 100.00 feet to a point; thence South 56 degrees 16 minutes 40 seconds East 135.00 feet to a point; thence South 57 degrees 40 minutes 47 seconds East 532.00 feet to a point; thence, leaving the center of Kool Park Road (S.R. 1400) and with existing city limits, South 16 degrees 58 minutes 46 seconds West 31.11 feet to the point of beginning. Containing 15.543 acres more or less.

This description was drawn from a plat by David S. Clark, P.L.S. L-2829, titled "Satellite Annexation by the City of Hickory known as the Limited NC Properties LLC" and dated June 4, 2024.

Section 2. Upon and after the 31<sup>st</sup> day of August, 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. 6 of the City of Hickory.

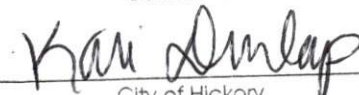
Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified 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 20<sup>TH</sup> DAY OF AUGUST 2024.

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

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

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

  
\_\_\_\_\_  
City of Hickory  
Finance Officer



**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 Limited NC Properties, LLC was adopted at a regular meeting of the Hickory City Council held on August 20, 2024, and that said Ordinance is in full force and effective on August 31, 2024.

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

NORTH CAROLINA  
CATAWBA COUNTY

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

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

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

My Commission Expires: \_\_\_\_\_



**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

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

**Contact Person:** Brian Frazier, Planning Director

**Date:** August 8, 2024

**Re:** Voluntary satellite annexation of property owned by Futuro, LLC.

**REQUEST**

Consideration of the voluntary satellite annexation of 17.57 acres of property located adjacent to 298 19<sup>th</sup> Avenue SE. This property is identified as PIN 370107675744.

**BACKGROUND**

The property is currently located within the City of Hickory's extraterritorial jurisdiction, and is being developed as the second and final phase of the Stonebrook residential subdivision. The property is zoned Planned Development, which was initially approved in the late 1990s, and consisted of several hundred single and multi-family homes. Through the years the plans have changed to where the development now consists of only single-family homes. The current approved plans for phase 2 of the development are 185 single-family lots.

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

**ANALYSIS**

The owner of the property is requesting annexation in order to gain access to city utilities. As previously noted, the property is currently being developed to provide 185 new residential lots.

Surrounding properties are zoned R-1 and R-2 Residential, as well as Planned Development. The surrounding areas consist of residences and vacant land.

The current tax value of the property is \$309,787. If annexed, the property would generate \$1,410 in additional tax revenues. This value does not consider any new lots or residences constructed upon them.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary satellite annexation, and adequate public services are available.

**RECOMMENDATION**

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



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier *BMF* 8/08/2024  
 Initiating Department Head Date

Deputy City Attorney, A. Dula \_\_\_\_\_  
 Date

Rodney Miller 8/12/24  
 Deputy City Manager R. Miller Date

Asst. City Manager, R. Beasley \_\_\_\_\_  
 Date

Kari Dunlap 8/14/24  
 Finance Officer, C. Dunlap Date

Deputy Finance Officer, Cameron McHargue \_\_\_\_\_  
 Date

Asst City Manager Yaidee Fox 8/14/24  
 Date

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

Warren Wood  
 City Manager, Warren Wood

8.14.24  
 Date







5. WATER AND SEWER AVAILABILITY AND CONNECTIONS

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

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

6. OWNER'S AFFIDAVIT

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

Futuro LLC Printed Name of Property Owner(s) Oscar O Vasquez for Futuro LLC Signature of Property Owner(s)  
220 17th ave NE Hickory NC 28601 Address of Property Owner(s) 828 312 3765 Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

~~State of North Carolina – County of Alexander~~

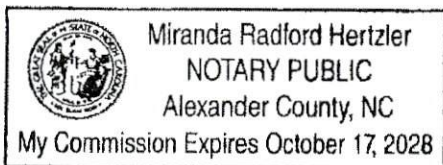
~~I, the undersigned Notary Public of the County and State aforesaid, certify that Oscar O Vasquez personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 39 day of July, 2024.~~

~~My Commission Expires: \_\_\_\_\_ Notary Public~~

State of North Carolina – County of Alexander

I, the undersigned Notary Public of the County and State aforesaid, certify that Oscar O. Vasquez personally came before me this day and acknowledged the he / she is the member manager of Futuro LLC, \_\_\_\_\_ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 9 day of July, 2024.

My Commission Expires: October 17, 2028 Miranda Radford Hertzler Notary Public





# LIMITED LIABILITY COMPANY ANNUAL REPORT

NAME OF LIMITED LIABILITY COMPANY: FUTURO, LLC

SECRETARY OF STATE ID NUMBER: 1222807 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
E - Filed Annual Report
1222807
CA202410708440
4/16/2024 09:30
<input type="checkbox"/> Changes

### SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Vasquez, Oscar O

2. SIGNATURE OF THE NEW REGISTERED AGENT: \_\_\_\_\_

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

220 17th Ave NE

220 17th Ave NE

Hickory, NC 28601 Catawba County

Hickory, NC 28601

### SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Own And Manage Real Property

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 312-3765

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

220 17th Ave NE

220 17th Ave NE

Hickory, NC 28601

Hickory, NC 28601

6. Select one of the following if applicable. (Optional see instructions)

The company is a veteran-owned small business

The company is a service-disabled veteran-owned small business

### SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Oscar Vasquez

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

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

TITLE: Manager

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

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

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

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

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

PO Box 1468

HICKORY, NC 28603

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

Oscar Vasquez

4/16/2024

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Oscar Vasquez

Manager

Print or Type Name of Company Official

Print or Type Title of Company Official

This Annual Report has been filed electronically.

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



FILED Catawba County

on Feb 01, 2016 at 02:58:00 pm

Excise Tax \$0.00 (AT)

INST. # 01595

DONNA HICKS SPENCER,  
Register of Deeds

PK 03327 Pg 0601-0607

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ -0-

Parcel Identifier No. \_\_\_\_\_ Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to:  John G. Fuller, Attorney at Law, 352 2<sup>nd</sup> Street NW, Hickory NC 28601

This instrument was prepared by: John G. Fuller, Attorney at Law, 352 2<sup>nd</sup> Street NW, Hickory NC 28601 - DEED PREP ONLY

Brief Description for the Index: \_\_\_\_\_

THIS DEED made this 13<sup>th</sup> day of October, 2015 by and between .

GRANTOR  
Oscar O. Vasquez  
P O Box 961  
Granite Falls, NC 28630

GRANTEE  
FUTURO, LLC  
P O Box 961  
Granite Falls, NC 28630

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

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

SEE ATTACHED EXHIBIT A

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3322, Page 1047 and Book 3323, Page 376.

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

0602

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

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

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

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing.

Oscar D Vasquez (SEAL)  
Oscar Vasquez

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA



I, Cheryl V. Ortega, the undersigned, a Notary Public of Catawba County and State aforesaid, certify that Oscar Vasquez, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29<sup>th</sup> day of February, 2016.

Cheryl V. Ortega  
Name of Notary Public: Cheryl V. Ortega  
My commission expires: 10-17-2016



## EXHIBIT A

0603

TRACT I:

BEING all of Lot number 84, 85, 86, 92, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 104, and 105 of Oak Hill, as more fully described and depicted on that certain Final Plat of Oak Hill, a Planned Unit Development, as recorded in Plat Book 62, Page 32-34, Catawba County Registry, to which Plat reference is hereby made for a more complete description. Catawba County Parcel ID numbers 373318208793, 373318209757, 373318300719, 373318303868, 373318304819, 373318304971, 373318305998, 373318306922, 373318306759, 373318306898, 373318307812, 373318307537, 373318307550, 373318208538, 373318300508, and 373318209474.

Together with those certain townhome lots/pads labeled as "Future Bldg" 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 19 of Oak Hill, as more fully described and depicted on that certain Final Plat of Oak Hill, a Planned Unit Development, as recorded in Plat Book 62, Page 32-34, Catawba County Registry, to which Plat reference is hereby made for a more complete description. Catawba County Parcel ID numbers 373318305722, 373318304788, 373318303773, 373318302750, 373318301667, 373318301601, 373318301532, 373318302408, 373318302581, 373318304514, 373318305507, 373318305883, 373318305486, 373318304484, 373318303471, 373318302336, and 373318300232.

Together with all that certain Common Open Space, including specifically, but without limitation, Common Open Space Area 1, COS 2-A, COS 2-B, COS 2-C, COS 2-D, and COS 2-E, of Oak Hill, as more fully described and depicted on that certain Final Plat of Oak Hill, a Planned Unit Development, as recorded in Plat Book 62, Page 32-34, Catawba County Registry, to which Plat reference is hereby made for a more complete description. Catawba County Parcel ID number 373318303591.

And in addition thereto, Grantor does hereby convey and grant unto Grantee, without representation or warranty of any kind or nature whatsoever, all of its rights and interests, if any, as successor in interest to the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Oakhill Subdivision as recorded in Book 2859, Page 0001 of the Catawba County Registry.

For partial chain of title see Deed Book 3322, Page 1047, Catawba County Public Registry.

**TRACT II:  
PROPERTY DESCRIPTION:**

0604

Beginning at a point, said point being set in the southern right of way margin of 16th Avenue Drive, Southeast and in the western line of Bobby Morrison's property (Deed Book 1089, Page 219), running thence from said Beginning point with Morrison's line south  $11^{\circ} 09' 09''$  West 411 feet to a  $3/4''$  iron pipe; continuing thence with the southern line of Morrison, South  $69^{\circ} 09' 00''$  East 165.30 feet to a  $1''$  iron pipe, said pipe marking a corner with Ivey R. Walker; running thence with the southern line of Ivey R. Walker the following calls and distances: South  $65^{\circ} 00' 00''$  East 515.25 feet to a  $3/4''$  iron pipe, South  $73^{\circ} 04' 58''$  East 94.85 feet to a  $3/4''$  iron pipe, North  $85^{\circ} 57' 06''$  East 99.74 feet to a  $1/2''$  iron rod, North  $51^{\circ} 57' 06''$  East 58.84 feet to a  $3/4''$  iron pipe, and North  $27^{\circ} 51' 21''$  East 100.15 feet to a  $3/4''$  rod set in the western line of Zelda H. Goodman's property (Deed Book 274, Page 144); running thence with Goodman's line, South  $32^{\circ} 43' 16''$  East 100.00 feet to a  $1/2''$  rod; running thence South  $20^{\circ} 17' 17''$  East 60.00 feet to a  $1/2''$  iron rod; running thence South  $02^{\circ} 25' 17''$  East 69.00 feet to a  $1/2''$  iron rod; and South  $08^{\circ} 00' 49''$  East 5.91 feet to a  $1/2''$  rod in the northern line of Sue Miller Goodman's property (Deed Book 344, Page 406); running thence with the northern line of Goodman, South  $75^{\circ} 52' 00''$  West 458.00 feet to a  $1/2''$  rod; running thence with Zelda H. Goodman's property (Deed Book 336, Page 612), the following calls and distances: South  $75^{\circ} 52' 00''$  West 400.73 feet to a  $1-1/2''$  angle iron; South  $73^{\circ} 219' 46''$  West 180.37 feet to a  $1/2''$  iron rod; South  $82^{\circ} 59' 46''$  West 324.77 feet to a  $1/2''$  rod; south  $73^{\circ} 29' 46''$  West 180.37 feet to a  $1/2''$  iron rod; south  $82^{\circ} 59' 46''$  West 395.72 feet to a  $1/2''$  iron rod; running thence South  $74^{\circ} 59' 46''$  West 527.66 feet to a  $3/4''$  iron rod being set in the eastern line of the City of Hickory's property (Deed Book 304, Page 240); running thence with the eastern line of the City of Hickory the following calls and distances: North  $10^{\circ} 57' 23''$  West 515.28 feet to a  $1/2''$  iron rod, North  $08^{\circ} 30' 19''$  West 765.59 feet to a  $1/2''$  iron rod, and North  $04^{\circ} 30' 35''$  East 513.25 feet to a point set in the center of the creek; running thence following the center of the creek the following calls and distances: South  $89^{\circ} 07' 28''$  East 58.24 feet, South  $74^{\circ} 48' 49''$  East 57.90 feet, South  $67^{\circ} 32' 10''$  East 129.33 feet, North  $75^{\circ} 29' 38''$  East 58.25 feet, North  $58^{\circ} 50' 58''$  East 92.76 feet, North  $38^{\circ} 07' 35''$  East 81.43 feet, North  $58^{\circ} 07' 12''$  East 95.97 feet, North  $83^{\circ} 37' 05''$  East 107.47 feet, North  $87^{\circ} 57' 56''$  East 79.11 feet, North  $79^{\circ} 59' 44''$  East 83.82 feet, North  $22^{\circ} 52' 39''$  East 84.15 feet, North  $69^{\circ} 50' 14''$  East 171.74 feet, North  $66^{\circ} 10' 26''$  East 74.60 feet, North  $44^{\circ} 37' 52''$  East 89.81 feet, North  $08^{\circ} 25' 48''$  East 96.91 feet, North  $41^{\circ} 12' 51''$  East 49.01 feet to a point set in the southern line of 16th Avenue Drive, SE, and running thence with the southern line of 16th Avenue Drive, SE, South  $52^{\circ} 59' 15''$  East 450.35 feet to the point and place of Beginning, containing 51.690 acres South of the right of way of 16th Avenue Drive, Southeast, in accordance with a survey dated January 21, 1991, entitled "Joyce Ann Goodman Turner," prepared by Kevin D. Hefner, Registered Land Surveyor #3045.

Being all of that property described in Book 2251 at Page 642 in the Catawba County Registry, LESS AND EXCEPT Lot 38 in Plat Book 58 at Page 18

0605

BEING that same property conveyed to Capital Bank, 333 Fayetteville Street, Suite 400, Raleigh, NC 28601, by that certain Trustee's Deed dated March 15, 2010, and recorded on March 16, 2010, in Book 3017 at Page 369, Catawba County Registry, LBSS AND EXCEPT "TRACT ONE" being identified as Lot 38 as shown on that plat of survey in Plat Book 58 at Page 18 in the Catawba County Public Registry.

BARRING and EXCEPTING the following parcels:  
 0.91 acre portion described in Book 2333, Page 1191; Common Areas described in Book 2342, Page 819; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15A, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 of Stonebrook, Phase One as shown on revised plat recorded in Plat Book 54, Page 113; also Lots 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 54, and 55 of Stonebrook, Phase Two as shown on plat recorded in Plat Book 58, Page 18; Catawba County Public Registry.

Subject property also known as the following Lot Numbers as recorded in Plat Book 58, Page 18, Catawba County Public Registry:

<u>Lot Number</u>	<u>Parcel ID Number</u>
32	3701-07-68-7206
33	3701-07-68-6252
34	3701-07-68-6116
35	3701-07-68-5175
36	3701-07-68-5131
47	3701-07-57-9975
48	3701-07-67-0802
49	3701-07-67-0853
50	3701-07-67-1804
51	3701-07-67-1855
52	3701-07-67-2807
53	3701-07-67-2858
56	3701-07-67-4911
57	3701-07-67-4963
58	3701-07-67-5905
59	3701-07-67-5958
60	3701-07-68-6010
61	3701-07-68-6054
62	3701-07-68-6097
63	3701-07-68-7121
64	3701-07-68-8134
65	3701-07-68-8361
66	3701-07-68-8313
67	3701-07-68-7398
68	3701-07-68-7494
69	3701-07-68-8409
33.44 A	3701-07-67-5744



**TRACT II:  
DEED EXCEPTIONS:**

0606

IN ADDITION TO any reservation, condition or easement contained in this instrument, this conveyance is made subject to all easements, rights of way, and other matters of record and such matters that would be shown by a current survey or inspection of the Property, and any covenants or restrictions in this Deed.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining;

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, including all of Grantor's right, title and interest in and to adjacent streets, alleys and rights-of-way, unto Grantee and Grantee's heirs, successors and assigns forever; and, subject to any limiting language contained in this instrument, Grantor does hereby bind itself and its successors to warrant and forever defend the Property unto Grantee and Grantee's heirs, successors and assigns; against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN ADDITION TO THE LIMITED WARRANTY OF TITLE, GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE ANY SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY PETROLEUM HYDROCARBONS, RADON GAS OR HAZARDOUS MATERIALS, SUBSTANCES OR WASTES, AS DEFINED BY ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS OR OTHERWISE PERTAINING TO THE USE, HANDLING, GENERATION, TREATMENT, STORAGE OR DISPOSAL OF ANY SOLID, TOXIC OR HAZARDOUS MATERIALS), VALUATION, GOVERNMENTAL APPROVALS, GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY (HEREIN COLLECTIVELY CALLED THE "DISCLAIMED MATTERS"). EXCEPT FOR

0607

THE LIMITED WARRANTY OF TITLE EXPRESSLY SET FORTH HEREIN, AND TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY IS MADE ON AN "AS IS" "WHERE IS" CONDITION AND BASIS "WITH ALL FAULTS".

BY ACCEPTANCE of this Limited Warranty Deed, Grantee (1) acknowledges the limited warranty and other limiting language set forth in this instrument, (2) agrees to and accepts all of the foregoing matters and (3) takes title subject to any unpaid property taxes for the current year or prior years and does hereby release and indemnify Grantor as to any claims made by Grantor or any third party (including but not limited to attorneys fees and costs) arising out of any disclaimed matters described in the preceding paragraph.

For partial chain of title see Deed Book 3323, Page 376, Catawba County Public Registry.

WEB

**BUNTON SURVEYING and MAPPING, PA**

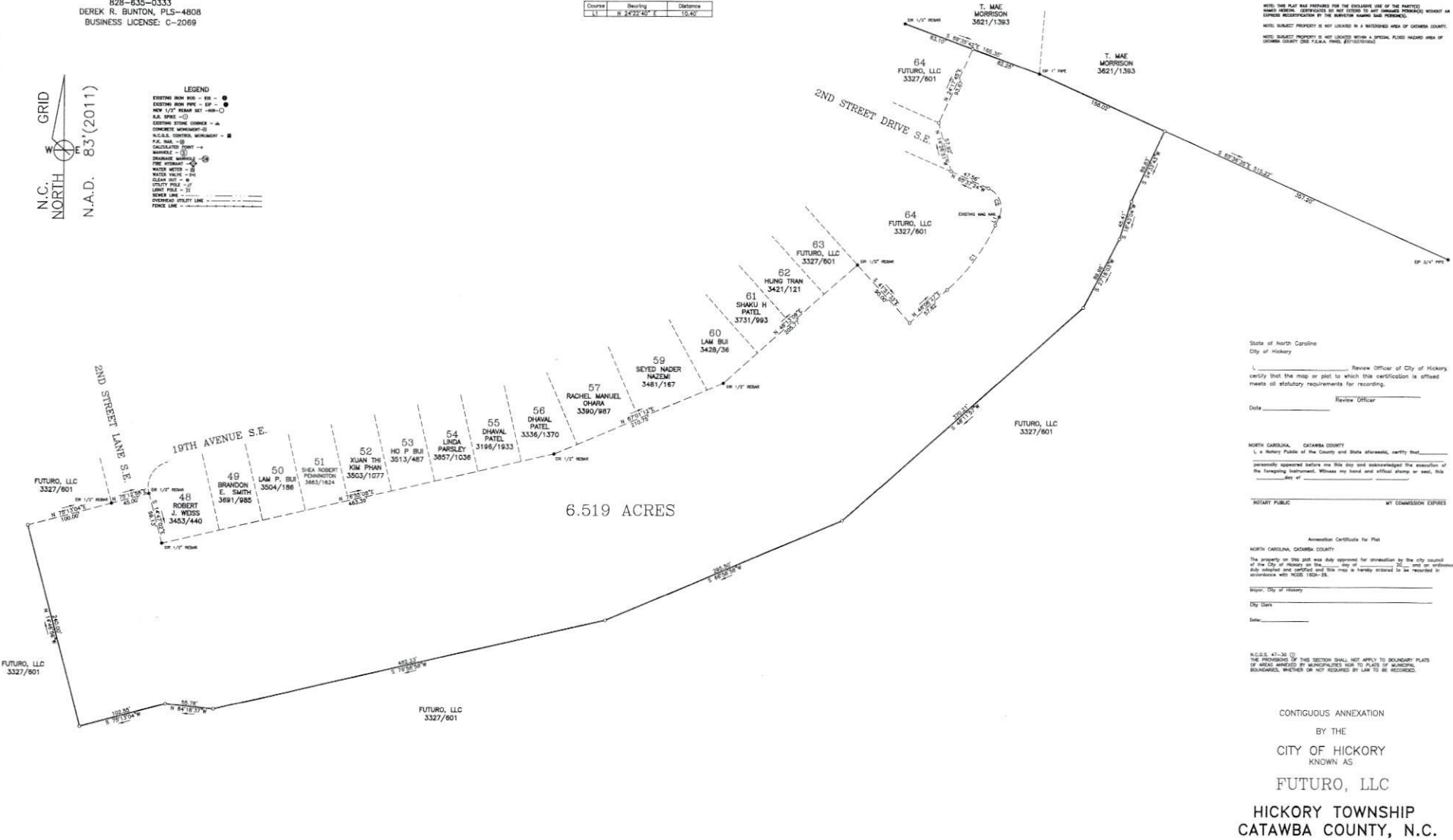
231 13TH AVE PL. N.W.  
 HICKORY N.C., 28601  
 SUITE 2  
 828-855-3313  
 828-635-0333  
 DEREK R. BUNTON, PLS-4808  
 BUSINESS LICENSE: C-2069

Curve	Radius	Tangent	Length	Chord	Chord Bear.
C1	232.50'	27.51'	33.58'	83.00'	N 30°32'40" E
C2	25.00'	25.01'	38.28'	55.38'	N 20°37'21" W

Course	Bearing	Distance
L1	N 44°22'40" E	16.40'

N.C. NORTH GRID  
 83°(2011)  
 N.A.D.

- LEGEND**
- EXISTING BORN BUI - BB
  - EXISTING BORN PIV - BP
  - NOT 1/2" BEAM SET - NB
  - S.A. PINS - SP
  - EXISTING STONE CORNER - SC
  - CONCRETE MONUMENT - CM
  - N.C.S.S. CONTROL MONUMENT - NCM
  - P.A. MARK - PM
  - CALCULATED POINT - CP
  - MARKER - M
  - BOUNDARY MONUMENT - BM
  - FIRE HYDRANT - FH
  - WATER METER - WM
  - WATER VALVE - WV
  - SLASH HOSE - SH
  - UTILITY POLE - UP
  - UNDER PASS - UP
  - OVERHEAD UTILITY LINE - OUL
  - FENCE LINE - FL



**SPECIAL NOTES**

NOTE: ALL LOTS SHOWN HEREIN WERE ESTABLISHED BY CONSECUTIVE COMPLETION. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, COVENANTS, RESTRICTIONS, AND CONDITIONS OF RECORD ATTACHED SAID RECORDS.

NOTE: THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE BY DEREK R. BUNTON, PLS-4808 AND DEREK R. BUNTON SURVEYING AND MAPPING, PA AT THE TIME OF THIS SURVEY.

NOTE: THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY(IES) NAMED HEREIN. COPIES WILL BE PROVIDED TO ANY OTHER PARTY(IES) ONLY UPON WRITTEN REQUEST AND EXPRESS RECOMPENSATION BY THE SURVEYOR AS MAY BE REQUIRED.

NOTE: SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA OF CATAWBA COUNTY. (SEE F.P.A.A. PANEL #2000000000)

State of North Carolina  
 City of Hickory

I, \_\_\_\_\_, Review Officer of City of Hickory, certify that the map on file to which this certification is affixed meets all statutory requirements for recording.

Date: \_\_\_\_\_ Review Officer

NORTH CAROLINA, CATAWBA COUNTY  
 I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the execution of the foregoing instrument, Witness my hand and official stamp on said day of \_\_\_\_\_, 2011.

NOTARY PUBLIC \_\_\_\_\_ BY COMMISSION EXPIRES \_\_\_\_\_

Annexation Certificate for Plot

NORTH CAROLINA, CATAWBA COUNTY  
 The property on this plot was first annexed for inclusion by the City Council of the City of Hickory on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and on ordinance \_\_\_\_\_ and certified and the same is hereby returned to be recorded in accordance with NCSS 150A-29.

Mayor, City of Hickory \_\_\_\_\_  
 City Clerk \_\_\_\_\_  
 Date: \_\_\_\_\_

CONTIGUOUS ANNEXATION  
 BY THE  
 CITY OF HICKORY  
 KNOWN AS  
 FUTURO, LLC  
 HICKORY TOWNSHIP  
 CATAWBA COUNTY, N.C.

DATE: 04/17/24 SCALE: 1" = 50'  
 PIN #3701-0767-0744  
 REFERENCE DEED: BOOK 3327 PAGE 601  
 REFERENCE PLAT: BOOK 54 PAGE 113  
 DRAWN BY: DEREK R. BUNTON, PLS-4808  
 JOB #24020058  
 FILE NAME: 24020058-ANNEXATION

I, Derek R. Bunton, certify that this plot was drawn under my supervision from an actual survey made under my supervision. (Unless properly annotated from reference survey herein), that the boundaries and acreage are correctly indicated on above. That the title of reference is identified as follows: \_\_\_\_\_, 1:25,000, that the plot was prepared on or corrected on 04/17/24 at Hickory, North Carolina. My original signature, address number and seal this 17th day of April, 2024.

PLS-4808  
 License Number





**Non-Contiguous Annexation  
by the City of Hickory  
of the Futuro, LLC property**

That certain parcel or tract of land lying and being about 2.25 miles south southeast of the center of the City of Hickory. Bounded on the north by the lands of the following: existing City of Hickory city limits as shown in Plat Book 51 at Page 112 and Plat Book 58 at Page 110, Futuro, LLC as described in Deed Book 3327 at Page 601, the 45' right-of-way of 2<sup>nd</sup> Street Lane SE, Robert J. Weiss as described in Deed Book 3543 at Page 440, Brandon E. Smith as described in Deed Book 3691 at Page 985, Lam P. Bui as described in Deed Book 3504 at Page 186, Shea Robert Pennington as described in Deed Book 3663 at Page 1624, Xuan Thi Kim Phan as described in Deed Book 3503 at Page 1077, Ho P. Bui as described in Deed Book 3513 at Page 487, Linda Parsley as described in Deed Book 3857 at Page 1036, Dhaval Patel as described in Deed Book as described in 3196 at Page 1933 and Deed Book 3336 at Page 1370, Rachel Manuel O'Hara as described in Deed Book 3390 at Page 987, Seyed Nader Nazemi as described in Deed Book 3481 at Page 167, Lam Bui as described in Deed Book 3428 at Page 36, Shaku H. Patel as described in Deed Book 3731 at Page 993, Hung Tran as described in Deed Book 3421 at Page 121, Futuro, LLC as described in Deed Book 3327 at Page 601, Futuro, LLC as described in Deed Book 3327 at Page 601, the 45' right-of-way of 2<sup>nd</sup> Street Drive SE, Futuro, LLC as described in Deed Book 3327 at Page 601, T. Mae Morrison as described in Deed Book 3621 at Page 1393; on the east by the lands of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092; on the south by the lands of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092, Loretta Evans Carpenter as described in Deed Book 2510 at Page 567, Henry Clay Evans as described in Deed Book 1215 at Page 47, Rose Ann Evans as described in Deed Book 3421 at Page 1804; on the west by the lands of Futuro, LLC as described in Deed Book 3327 at Page 601 and more particularly described as follows, to wit.

Beginning at 5/8" rebar, the easternmost corner of the lands of T. Mae Morrison as described in Deed Book 3621 at Page 1393 in the west line of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092 and running thence, with the west line of Blueberry Farms, LLC and as new City of Hickory city limits lines the following calls: South 33 degrees 20 minutes 25 seconds East 100.13 feet to a 1/2" rebar; thence South 20 degrees 53 minutes 18 seconds East 59.98 feet to a 1/2" rebar; thence South 02 degrees 59 minutes 51 seconds East 68.98 feet to a 1/2" rod; thence, with the north line of Blueberry Farms, LLC the following calls: South 75 degrees 17 minutes 01 seconds West 457.90 feet to a 1/2" rod; thence South 75 degrees 21 minutes 08 seconds West 400.04 feet to a T fence post; thence South 04 degrees 51 minutes 59 seconds West 215.23 feet to a stone; thence South 75 degrees 11 minutes 49 seconds West 325.13



feet, passing the northeast corner of the Loretta Evans Carpenter lands as described in Deed Book 2510 at Page 567, to a ½" rod in the north line of Carpenter; thence, continuing with the north line of Carpenter, South 72 degrees 58 minutes 42 seconds West 180.42 feet to a ½" rod, the northeast corner of Henry Clay Evans as described in Deed Book 1215 at Page 47; thence, with the north line of Evans, South 82 degrees 23 minutes 34 seconds West 395.72 feet, passing the northeast corner of the Rose Ann Evans lands as described in Deed Book 3421 at Page 1804, to a ½" rebar; thence, continuing with the north line of Evans, South 74 degrees 23 minutes 27 seconds West 152.87 feet to a ½" rebar in the north line of Evans, said rebar located North 74 degrees 23 minutes 27 seconds East 374.51 feet from a ½" rod; thence, crossing the Futuro, LLC lands as described in Deed Book 3327 at Page 601, North 14 degrees 46 minutes 56 seconds West 465.53 feet to a ½" rebar; thence North 75 degrees 13 minutes 04 seconds East 100.00 feet to a ½" rebar, the southwest corner of the southern terminus of 2<sup>nd</sup> Street Lane SE; thence, crossing said terminus, North 75 degrees 12 minutes 58 seconds East 45.00 feet to a ½" rebar, the southeast corner of the aforementioned terminus and in the west line of the Robert J. Weiss lands as described in Deed Book 3543 at Page 440; thence, with the west line of Weiss, South 14 degrees 47 minutes 02 seconds East 59.13 feet to a ½" rebar, the southwest corner of Weiss and the southwest corner of the existing City of Hickory city limits as shown in Plat Book 58 at Page 110; thence as existing city limits the following calls: North 76 degrees 55 minutes 08 seconds East 463.39 feet to a ½" rebar in the south line of the Dhaval Patel lands as described in Deed Book 3336 at Page 1370; thence North 67 degrees 01 minutes 12 seconds East 210.75 feet to a ½" rebar in the south line of the Lam Bui lands as described in Deed Book 3428 at Page 36; thence North 48 degrees 13 minutes 09 seconds East 205.77 feet to ½" rebar, the southeast corner of the Futuro, LLC lands as described in Deed Book 3327 at Page 601 in the west line of other Futuro, LLC as described in Deed Book 3327 at Page 601; thence, with the line of Futuro, LLC, South 41 degrees 51 minutes 33 seconds East 90.00 feet to a ½" rebar; thence North 48 degrees 08 minutes 27 seconds East 57.62 feet to a ½" rebar; thence, with a curve to the left, said curve having a radius of 227.50 feet and a chord bearing and distance of North 36 degrees 20 minutes 40 seconds East 93.02 feet to a ½" rebar; thence North 24 degrees 22 minutes 40 seconds East 10.40 feet to a ½" rebar; thence, with a curve to the left, said curve having a radius of 25.00 feet and a chord bearing and distance of North 20 degrees 37 minutes 24 seconds West 35.36 feet to a ½" rebar; thence North 65 degrees 37 minutes 24 seconds West 47.56 feet to a ½" rebar, the southeast corner of the eastern terminus of 2<sup>nd</sup> Street Drive SE; thence, crossing said terminus, North 14 degrees 26 minutes 51 seconds West 57.92 feet to a ½" rebar at the northwest corner of aforementioned terminus, the southwest corner of the Futuro, LLC lands as described in Deed Book 3327 at Page 601; thence, with the east line of Futuro, LLC, North 24 degrees 17 minutes 45 seconds East 93.67 feet to a ½" rebar in the south line of the T. Mae Morrison as described in Deed Book 3621 at Page 1393, said rebar located South 69 degrees 35 minutes 42 seconds East 83.10 feet from a ½" rebar; thence leaving the existing city limits as new City of Hickory city limits and with the south line of Morrison

the following calls: South 69 degrees 35 minutes 42 seconds East 82.25 feet to a 1" pipe; thence South 65 degrees 36 minutes 35 seconds East 515.22 feet to a ¾" pipe; thence South 73 degrees 39 minutes 54 seconds East 94.82 feet to a ¾" pipe; thence North 85 degrees 23 minutes 36 seconds East 99.78 feet to a ½" rod; thence North 51 degrees 20 minutes 58 seconds East 58.79 feet to a ¾" pipe; thence North 27 degrees 10 minutes 23 seconds East 100.13 feet to the point of beginning. Containing 17.57 acres, more or less.

This description was drawn from a plat by Bunton Surveying and Mapping, PA entitled "Non-Contiguous Annexation by the City of Hickory known as Futuro, LLC" and dated April 17, 2024.



**VOLUNTARY SATELLITE ANNEXATION ANALYSIS**

**APPLICANT:** Futuro, LLC

**AGENT:** Oscar Vasquez

**PROPERTY LOCATION:** Adjacent to 298 19<sup>th</sup> Avenue SE

**PIN:** Part of 370107675744

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

**WARD:** If annexed, this property will be located in Ward 4 (Councilman Freeman).

**ACREAGE:** 17.57 acres

**DEVELOPMENT POTENTIAL:** The property is currently located within the City of Hickory’s extraterritorial jurisdiction, and is being developed as the second and final phase of the Stonebrook residential subdivision. The property is zoned Planned Development, which was initially approved in the late 1990s, and consisted of several hundred single and multi-family homes. Through the years the plans have changed to where the development now consists of only single-family homes. The current approved plans for phase 2 of the development are 185 single-family lots.

**TAX VALUE:** The current tax value of the property is \$309,787.00. If annexed, the property would generate \$1,410.00 in additional tax revenues.

**POPULATION INCREASES:** The property is vacant, but is being developed for the location on 185 residential building lots. Upon completion, the residential development add an additional 437 new residents. This estimate is based upon the U.S. Census Bureau’s residential household size estimate for single-family dwellings in the city, which is 2.36 persons per household.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Hickory Public 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	Longview / SW	0.20	185	37
Middle	Grandview	0.09	185	17
High	Hickory	0.10	185	19

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

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

- **North:** The properties are zoned R-2 Residential and Planned Development occupied by St. Stephens Lutheran church and school. These properties are occupied by residences, phase 1 of Stonebrook or vacant.
- **South:** The properties are zoned R-1 and R-2 Residential and occupied by residences or vacant.
- **East:** The property is zoned R-2 Residential and occupied by a residence.
- **West:** The properties are zoned Planned Development. These properties are vacant.

**UTILITY SERVICE:** Water and sewer are both available. The developer has installed part of the system, and will be required to finish installation before home construction begins. All work on the system will be at the cost of the developer.

**ACCESS:** Access to and from this phase of the development are through phase 1 and onto Catawba Valley Boulevard SE. which is maintained by the North Carolina Department of Transportation (SR 1170).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is located approximately 555 feet west of the current proper city boundary.

**STAFF COMMENTS:**

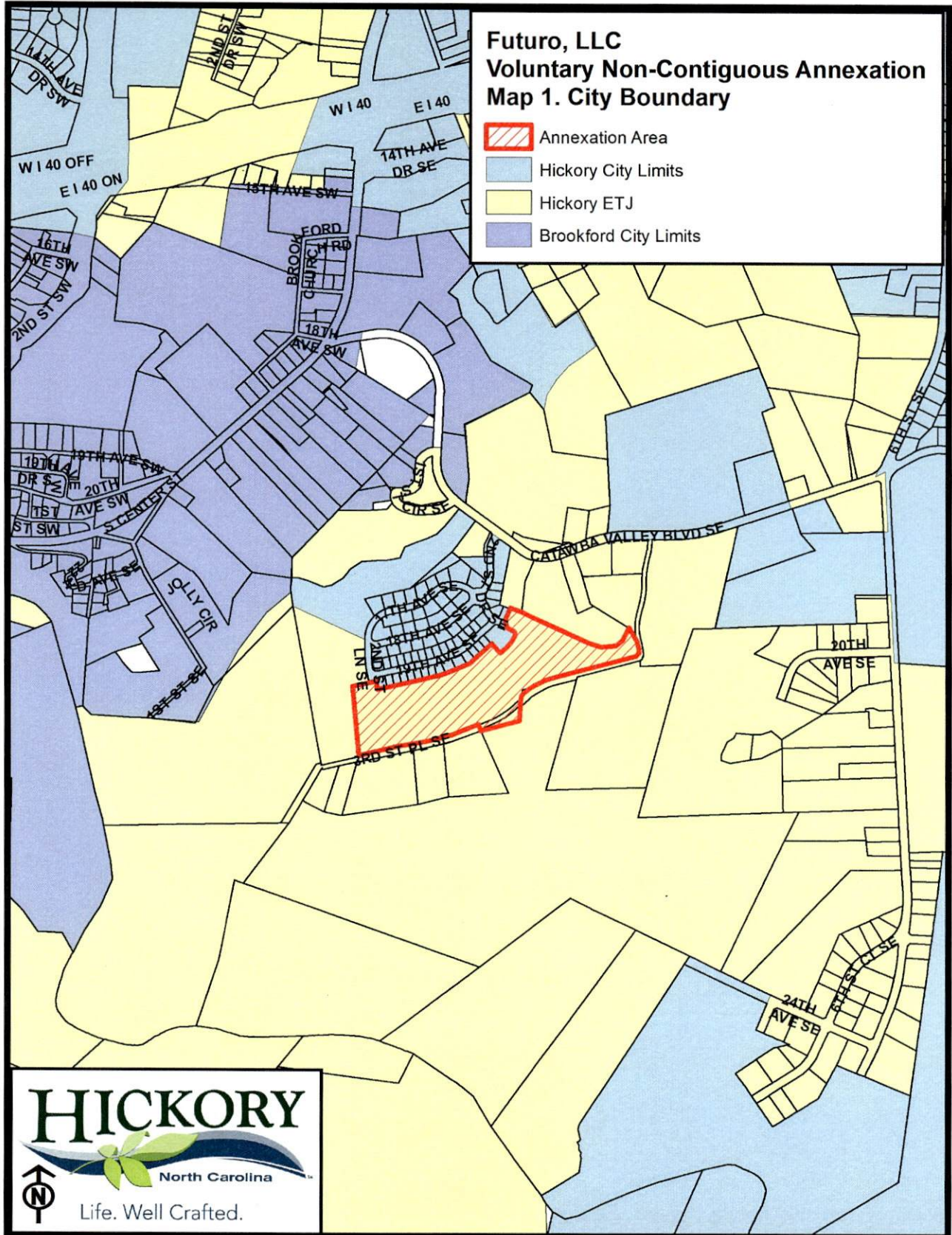
- **Fire:** The annexation of this property, which is currently adjacent to HFD Station 7's response area, would not adversely affect the fire department's operations.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, will be in Charles PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer are both available. The developer has installed part of the system, and will be required to finish installation before home construction begins. All work on the system will be at the cost of the developer.
- **Legal:** No objections.
- **City Manager's Office:** No objections.

**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

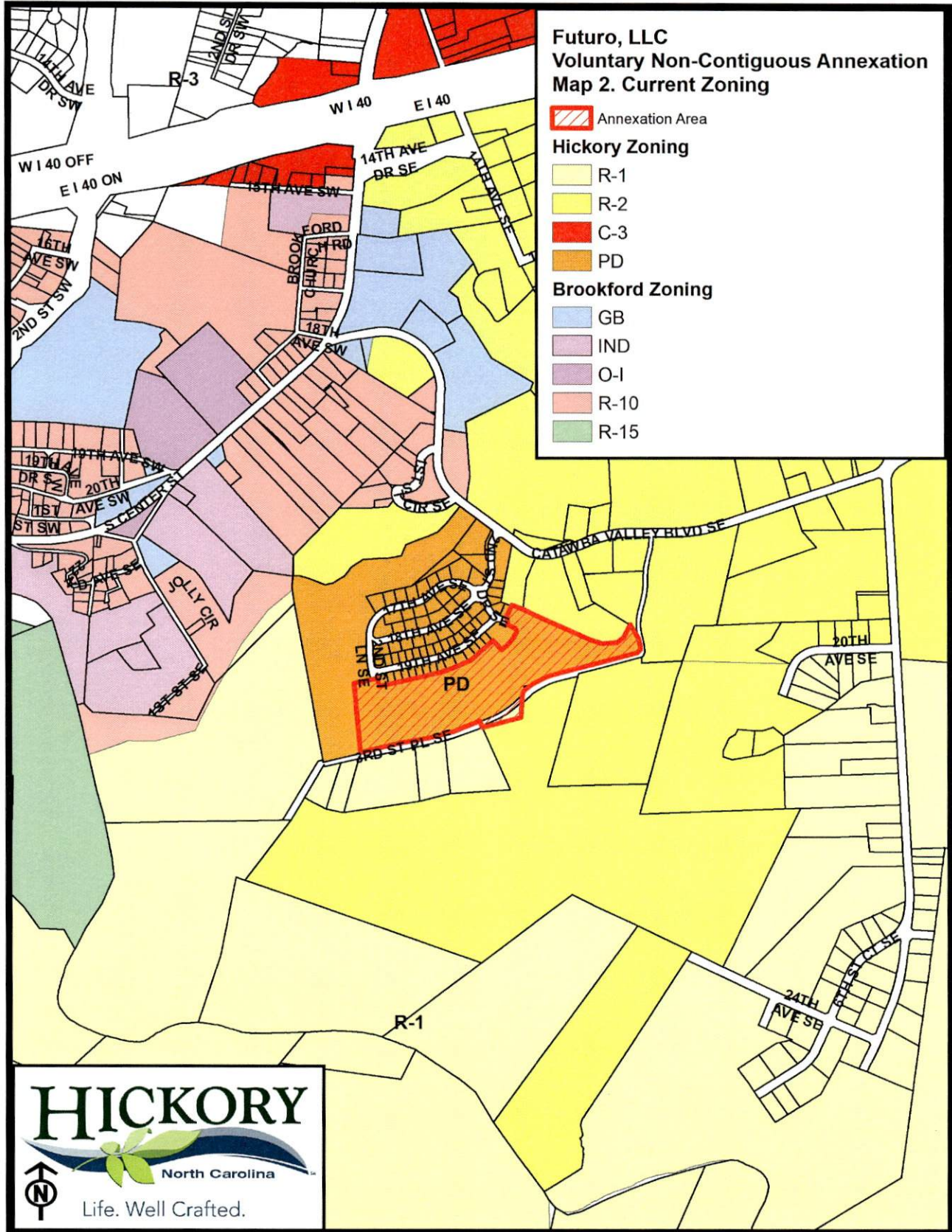
1. The voluntary satellite annexation petition complies with applicable statutes regarding the voluntary annexation of satellite properties.
2. Adequate public services are available in sufficient quantities to properly serve the property, subject to the comments provided above.
3. The annexation of 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 satellite annexation petition.

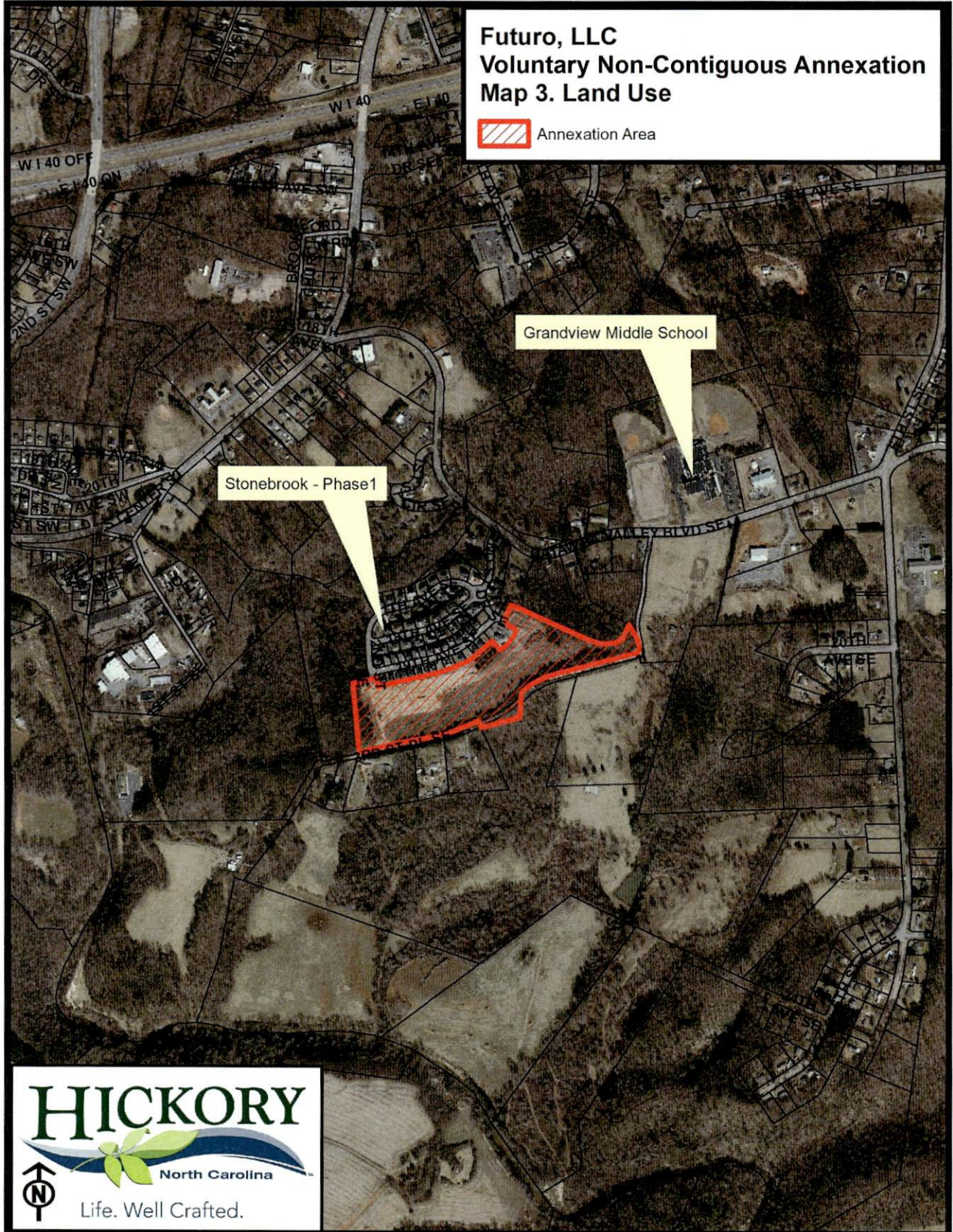














Prepared by: City Attorney, Timothy Swanson  
City of Hickory, P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 505**

**VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)**

**Futuro, LLC**

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 20<sup>th</sup> day of August 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.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, will not exceed ten percent (10%) of the area within the primary corporate limits of the City of Hickory.

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

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

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

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

**Non-Contiguous Annexation  
by the City of Hickory  
of the Futuro, LLC Property**

That certain parcel or tract of land lying and being about 2.25 miles south southeast of the center of the City of Hickory. Bounded on the north by the lands of the following: existing City of Hickory city limits as shown in Plat Book 51 at Page 112 and Plat Book 58 at Page 110, Futuro, LLC as described in Deed Book 3327 at Page 601, the 45' right-of-way of 2<sup>nd</sup> Street Lane SE, Robert J. Weiss as described in Deed Book 3543 at Page 440, Brandon E. Smith as described in Deed Book 3691 at Page 985, Lam P. Bui as described in Deed Book 3504 at Page 186, Shea Robert Pennington as described in Deed Book 3663 at Page 1624, Xuan Thi Kim Phan as described in Deed Book 3503 at Page 1077, Ho P. Bui as described in Deed Book



3513 at Page 487, Linda Parsley as described in Deed Book 3857 at Page 1036, Dhaval Patel as described in Deed Book as described in 3196 at Page 1933 and Deed Book 3336 at Page 1370, Rachel Manuel O'Hara as described in Deed Book 3390 at Page 987, Seyed Nader Nazemi as described in Deed Book 3481 at Page 167, Lam Bui as described in Deed Book 3428 at Page 36, Shaku H. Patel as described in Deed Book 3731 at Page 993, Hung Tran as described in Deed Book 3421 at Page 121, Futuro, LLC as described in Deed Book 3327 at Page 601, Futuro, LLC as described in Deed Book 3327 at Page 601, the 45' right-of-way of 2<sup>nd</sup> Street Drive SE, Futuro, LLC as described in Deed Book 3327 at Page 601, T. Mae Morrison as described in Deed Book 3621 at Page 1393; on the east by the lands of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092; on the south by the lands of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092, Loretta Evans Carpenter as described in Deed Book 2510 at Page 567, Henry Clay Evans as described in Deed Book 1215 at Page 47, Rose Ann Evans as described in Deed Book 3421 at Page 1804; on the west by the lands of Futuro, LLC as described in Deed Book 3327 at Page 601 and more particularly described as follows, to wit.

Beginning at 5/8" rebar, the easternmost corner of the lands of T. Mae Morrison as described in Deed Book 3621 at Page 1393 in the west line of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092 and running thence, with the west line of Blueberry Farms, LLC and as new City of Hickory city limits lines the following calls: South 33 degrees 20 minutes 25 seconds East 100.13 feet to a 1/2" rebar; thence South 20 degrees 53 minutes 18 seconds East 59.98 feet to a 1/2" rebar; thence South 02 degrees 59 minutes 51 seconds East 68.98 feet to a 1/2" rod; thence, with the north line of Blueberry Farms, LLC the following calls: South 75 degrees 17 minutes 01 seconds West 457.90 feet to a 1/2" rod; thence South 75 degrees 21 minutes 08 seconds West 400.04 feet to a T fence post; thence South 04 degrees 51 minutes 59 seconds West 215.23 feet to a stone; thence South 75 degrees 11 minutes 49 seconds West 325.13 feet, passing the northeast corner of the Loretta Evans Carpenter lands as described in Deed Book 2510 at Page 567, to a 1/2" rod in the north line of Carpenter; thence, continuing with the north line of Carpenter, South 72 degrees 58 minutes 42 seconds West 180.42 feet to a 1/2" rod, the northeast corner of Henry Clay Evans as described in Deed Book 1215 at Page 47; thence, with the north line of Evans, South 82 degrees 23 minutes 34 seconds West 395.72 feet, passing the northeast corner of the Rose Ann Evans lands as described in Deed Book 3421 at Page 1804, to a 1/2" rebar; thence, continuing with the north line of Evans, South 74 degrees 23 minutes 27 seconds West 152.87 feet to a 1/2" rebar in the north line of Evans, said rebar located North 74 degrees 23 minutes 27 seconds East 374.51 feet from a 1/2" rod; thence, crossing the Futuro, LLC lands as described in Deed Book 3327 at Page 601, North 14 degrees 46 minutes 56 seconds West 465.53 feet to a 1/2" rebar; thence North 75 degrees 13 minutes 04 seconds East 100.00 feet to a 1/2" rebar, the southwest corner of the southern terminus of 2<sup>nd</sup> Street Lane SE; thence, crossing said terminus, North 75 degrees 12 minutes 58 seconds East 45.00 feet to a 1/2" rebar, the southeast corner of the aforementioned terminus and in the west line of the Robert J. Weiss lands as



described in Deed Book 3543 at Page 440; thence, with the west line of Weiss, South 14 degrees 47 minutes 02 seconds East 59.13 feet to a ½” rebar, the southwest corner of Weiss and the southwest corner of the existing City of Hickory city limits as shown in Plat Book 58 at Page 110; thence as existing city limits the following calls: North 76 degrees 55 minutes 08 seconds East 463.39 feet to a ½” rebar in the south line of the Dhaval Patel lands as described in Deed Book 3336 at Page 1370; thence North 67 degrees 01 minutes 12 seconds East 210.75 feet to a ½” rebar in the south line of the Lam Bui lands as described in Deed Book 3428 at Page 36; thence North 48 degrees 13 minutes 09 seconds East 205.77 feet to ½” rebar, the southeast corner of the Futuro, LLC lands as described in Deed Book 3327 at Page 601 in the west line of other Futuro, LLC as described in Deed Book 3327 at Page 601; thence, with the line of Futuro, LLC, South 41 degrees 51 minutes 33 seconds East 90.00 feet to a ½” rebar; thence North 48 degrees 08 minutes 27 seconds East 57.62 feet to a ½” rebar; thence, with a curve to the left, said curve having a radius of 227.50 feet and a chord bearing and distance of North 36 degrees 20 minutes 40 seconds East 93.02 feet to a ½” rebar; thence North 24 degrees 22 minutes 40 seconds East 10.40 feet to a ½” rebar; thence, with a curve to the left, said curve having a radius of 25.00 feet and a chord bearing and distance of North 20 degrees 37 minutes 24 seconds West 35.36 feet to a ½” rebar; thence North 65 degrees 37 minutes 24 seconds West 47.56 feet to a ½” rebar, the southeast corner of the eastern terminus of 2<sup>nd</sup> Street Drive SE; thence, crossing said terminus, North 14 degrees 26 minutes 51 seconds West 57.92 feet to a ½” rebar at the northwest corner of aforementioned terminus, the southwest corner of the Futuro, LLC lands as described in Deed Book 3327 at Page 601; thence, with the east line of Futuro, LLC, North 24 degrees 17 minutes 45 seconds East 93.67 feet to a ½” rebar in the south line of the T. Mae Morrison as described in Deed Book 3621 at Page 1393, said rebar located South 69 degrees 35 minutes 42 seconds East 83.10 feet from a ½” rebar; thence leaving the existing city limits as new City of Hickory city limits and with the south line of Morrison the following calls: South 69 degrees 35 minutes 42 seconds East 82.25 feet to a 1” pipe; thence South 65 degrees 36 minutes 35 seconds East 515.22 feet to a ¾” pipe; thence South 73 degrees 39 minutes 54 seconds East 94.82 feet to a ¾” pipe; thence North 85 degrees 23 minutes 36 seconds East 99.78 feet to a ½” rod; thence North 51 degrees 20 minutes 58 seconds East 58.79 feet to a ¾” pipe; thence North 27 degrees 10 minutes 23 seconds East 100.13 feet to the point of beginning. Containing 17.57 acres, more or less.

This description was drawn from a plat by Bunton Surveying and Mapping, PA entitled “Non-Contiguous Annexation by the City of Hickory known as Futuro, LLC” and dated April 17, 2024.

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



Section 3. The newly-annexed territory described herein shall become part of Ward No. 4 of the City of Hickory.

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

ADOPTED THIS 20<sup>TH</sup> DAY OF AUGUST 2024.

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

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

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

  
\_\_\_\_\_  
City of Hickory  
Finance Officer

**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 Futuro, LLC was adopted at a regular meeting of the Hickory City Council held on August 20, 2024, and that said Ordinance is in full force and effective on August 31, 2024.

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

NORTH CAROLINA  
CATAWBA COUNTY

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

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

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

My Commission Expires: \_\_\_\_\_