

A G E N D A

HICKORY CITY COUNCIL

October 15, 2024



Life. Well Crafted.

6:00 p.m.



AGENDA
www.hickorync.gov

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

Hickory City Council
76 North Center Street

October 15, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Tamika Garrison, Director of Faith Community Relations Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation for Dyslexia Awareness Month, to Angela Lawrence, Executive Director of the Patrick Beaver Learning Resource Center. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
 - A. Ms. Rebecca Robinson, 1017 10th Avenue NE, Thao & Associates Inc., Concerns with the Hickory Public Housing Authority.
 - B. Ms. Elizabeth Newsome, Property Manager, Concerns with the Hickory Public Housing Authority.
- VI. Approval of Minutes
 - A. Regular Meeting of October 1, 2024. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A. Budget Revision Number 6. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
 - A. Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 29.58-Acres of Property Located at the Intersection of Sandy Ford Road and Robinson Road, Identified as PINs 371016836918, 371016845483, and 371016749736, owned by Country Club Towns, LLC. **(Authorize the Public Hearing for November 5, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building. (Exhibit VIII.A.)**
 - B. Approval of the Community Appearance Grant for Non-Residential Property Owned by Scott Corby, Located at 123 13th Street SW, in the Amount of \$7,500. **(Exhibit VIII.B.)**

City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's awnings and stonework the entrance steps, window replacement, and improvements to an entrance door. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant has provided two estimates for the work listed above, the lowest estimates for the work totals \$15,200. If Council moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500 grant. The subject property's current tax value is assessed at \$89,800. The requested grant amounts to 8% of the property's tax value. The application was reviewed by the Community Appearance Commission and scored the application at 24 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, the Community Appearance Commission unanimously recommends funding of the grant application in the amount of \$7,500.

C. Acceptance of the Bulletproof Vest Grant to Receive Up to 50 Percent Reimbursement for each Vest Purchased. **(Exhibit VIII.C.)**

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

D. Approval of the Citizens Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.D.)**

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all of its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen's input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens' Advisory Committee at their regular meeting on October 3, 2024:

- Catherine Eggers, located at 1220 27th Avenue NE, Hickory was recommended for approval of up to \$12,000 under the City of Hickory's 2024 Urgent Repair Program.
- Louise Adams, located at 1330 5th Street NE, Unit 45, Hickory was recommended for approval of up to \$12,000 under the City of Hickory's 2024 Urgent Repair Program.
- Rosa Elliott, located at 1420 11th Street Drive NW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for assistance due to the home

repairs needed do not meet the Housing Rehabilitation loan guidelines and minimum repairs.

- *Terry-Lynne Courteau, located at 2472 23rd Street NE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*

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

E. Budget Revision Number 7. **(Exhibit VIII.E.)**

1. *To appropriate \$71 in donation revenues for supplies at Hickory Public Library.*
2. *To appropriate \$250 in revenues from Catawba County for equipment used by the Hickory Fire Department.*
3. *To reduce budgeted revenues from Catawba County within the Catawba Wastewater Treatment Plant Expansion Project by \$100,000 to reflect an updated contract with the County for design services.*
4. *To recognize receipt of the 2024 Bulletproof Vest Partnership Grant in the amount of \$17,020 and establish a Grant Project Ordinance in the amount of \$34,040. This is a 50/50 Federal matching grant with the local portion to be taken from the Police Department's Uniforms account.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business

A. Public Hearings

1. Consideration of the Voluntary Contiguous Annexation of 151.218-Acres, Located at 432 Catawba Valley Boulevard, SE, 2115 3rd Street Place SE, and Five Adjoining Parcels, Identified as PINs 3701-08-78-9470, 3701-08-77-5545, 3701-08-87-5621, 3701-12-87-7400, 3701-12-87-5316, 3701-11-66-6796, and 3701-12-75-5345, Owned by Blueberry Farm Hickory, LLC – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 151.218 acres of properties located at 432 Catawba Valley Boulevard SE, 2115 3rd Street Place SE and five other adjoining parcels. These properties are identified as PINs 370108789470, 370108775545, 370108875621, 370112877400, 370112875316, 370111666796, and 370112755345. The properties are currently located within the City of Hickory's extraterritorial jurisdiction, and zoned R-2 Residential. The owners / developer intends to construct a residential subdivision containing 308 attached and detached single-family residences utilizing a conservation subdivision technique. This technique creates smaller building lots with preserved open space. The existing R-2 zoning permits residential density at a rate of four unit per acre, which could result in the construction of 600+ dwellings. The density proposed by the developer is approximately 50% of what could potentially be constructed. The owner of the property is requesting annexation in order to gain access to City utilities. Surrounding properties are zoned R-1 and R-2 Residential, as well as Planned Development. The surrounding areas consist of residences, vacant land, and a public middle school. The current tax value of the properties is \$948,100. If annexed, the property would generate \$4,313 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 annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on October 5, 2024.

2. Consideration of the Voluntary Non-Contiguous Annexation of 3.799-Acres, Located at the Eastern Corner of the Intersection of 21st Street Drive SE, and 27th Street Drive SE, Identified at PIN 3722-14-32-1763, Owned by RFW Properties, LLC – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.2.)**

Consideration of the voluntary satellite annexation of 3.799 acres of property located at the eastern corner of the intersection of 21st Street Drive SE and 27th Street Drive SE. This property is identified as PIN 3722-14-32-1763. The property is currently located within the City of Hickory's extraterritorial jurisdiction, and zoned industrial (IND). This zoning designation provides opportunities for the development of manufacturing facilities, medical offices, professional office and limited retail uses. Unlike other city zoning districts, industrial zoning does not have a prescribed maximum density. The owner of the property has indicated they intend to construct and operate a recreational vehicle storage facility. The owner of the property is requesting annexation in order to gain access to City utilities. Surrounding properties are zoned industrial (IND) and are occupied by grandfathered non-conforming residences. The current tax value of the property is \$134,500. If annexed, the property would generate \$612 in additional tax revenues. This value does not consider any new construction that is to occur. 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.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on October 5, 2024.

3. Consideration of Rezoning Petition Number 24-10 for Properties Located at 3109 15th Avenue Boulevard SE and a Vacant Parcel to the South, from Regional Commercial (C-3) to Industrial (IND) – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.3.)**

A petition has been submitted requesting the consideration of rezoning properties located at 3109 15th Avenue Boulevard SE and a vacant parcel to the south, from Regional Commercial (C-3) to Industrial (IND). The subject properties are currently zoned Regional Commercial and are +/- 8.56 acres in size. The current Regional Commercial (C-3) district is intended to provide locations for shopping, dining and entertainment businesses who cater to automobile-oriented customers from local and regional areas. The properties are currently zoned Regional Commercial (C-3) and occupied by a manufacturing facility (Rubber Mill). Rubber Mill is a manufacturer of rubber components for several different industries and specializes in gaskets and seals. The owners of the facility are seeking to have the property rezoned so they may expand the facility's current operations. Regional Commercial districts permit for industrial uses but limits total industrial floor areas to 50,000 square feet. Rezoning the properties to industrial will provide more opportunity for expansions, as industrial districts have no cap on floor area. The Hickory Regional Planning Commission conducted a public hearing on September 25, 2024 to consider the petition. During the public hearing, the owner spoke in favor of the rezoning petition, while no one spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's inconsistency with the Hickory by Choice 2030 Comprehensive Plan but

found the request to be reasonable due to changes in regional transportation plans. Based upon its findings, the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on October 5, 2024, and October 12, 2024.

B. Departmental Reports

1. Consideration of the Resolution to Abolish the City of Hickory Public Housing Authority and the Transfer to the Western Piedmont Council of Governments. **(Exhibit XI.B.1.)**

2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

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

COMMUNITY APPEARANCE COMMISSION

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

COMMUNITY RELATIONS COUNCIL

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

HICKORY REGIONAL PLANNING COMMISSION

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

HISTORIC PRESERVATION COMMISSION

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

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) VACANT
At-Large (Mayor Appoints) VACANT
At-Large (Mayor Appoints) (Dana Andreasson Resigned 9-5-2024) VACANT

RECYCLING ADVISORY BOARD

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

- 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.”

<p>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</p>
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Life. Well Crafted.

Office of the Mayor

Exhibit IV.A.
City of Hickory
PO Box 398
Hickory, NC 28603
Phone: (828)323-7412
Fax: (828)323-7550
Email: hguess@hickorync.gov

PROCLAMATION

Dyslexia Awareness Month

WHEREAS, dyslexia is the most common learning disability in children and persists throughout life affecting ten to twenty percent of the population regardless of race, gender, age, or socioeconomic status; and

WHEREAS, dyslexia is a specific learning disorder that is neurobiological in origin and is characterized by difficulties with reading, writing, and spelling despite normal intelligence; and

WHEREAS, early identification of dyslexia is critical; and

WHEREAS, those children with dyslexia benefit greatly from teachers trained in multi-sensory, structured literacy interventions and individualized instruction; and

WHEREAS, Dyslexia Awareness Month offers an opportunity to celebrate the accomplishments and contributions of children and adults with dyslexia, and, to recognize the educators, trained volunteer tutors, families, and friends who play a vital role in supporting their success.

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

Dyslexia Awareness Month

in the City of Hickory and commend its observance to all citizens.

This the 15th day of October, 2024

Mayor Hank Guess

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, October 1, 2024 at 6:00 p.m., with the following members present:

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

A quorum was present.

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

- I. Mayor Guess called the meeting to order. All Council members were present with the arrival of Alderman Zagaroli at 6:02 p.m.
- II. Invocation by Alderman Anthony Freeman
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation to Hickory Fire Department Staff for Fire Prevention Week October 6-12, 2024.

Mayor Guess asked Hickory Fire Department Staff to the podium. Mayor Guess, on behalf of the Council as well, commended and thanked all of the fire personnel. As everyone knows, the police and fire departments were probably some of their most visible coworkers. They have many coworkers in the City, and he took the opportunity not only to thank the fire department, but all of the coworkers. Obviously, during this storm, everyone had to step it up and had to do things that probably were out of the ordinary. Staff, all of the coworkers had certainly stepped up and done a terrific job, and they appreciated each and every one of them. But this was Fire Prevention Week, it actually started October 6th, but they did not meet again until after the 6th, so they proclaimed Fire Prevention Week in the City of Hickory this afternoon. Mayor Guess read and presented the Proclamation. Photos were taken. He thanked the Fire Department again for all that they do.

- B. Presentation of a Proclamation to Centro Latino for Hispanic Heritage Month, September 15 – October 15, 2024.

Mayor Guess asked representatives from Centro Latino to the podium. Mayor Guess advised he had two proclamations, one in Spanish and one in English. He recognized Assistant City Manager Yaidee Fox for the Latino of the Year Award which she had been recognized for this past weekend by Centro Latino. He apologized to Ms. Fox as he was not able to be there due to obvious things, they had a lot going on. He wanted to apologize publicly to her, but he wanted to also recognize Ms. Fox for her accomplishment and for that award. He asked Ms. Fox to join them at the podium. Hispanic Heritage was an entire month. The Fire Department, they got a week, so they get a month. Mayor Guess read and presented the Proclamation for Hispanic Heritage Month to those in attendance. Photos were taken.

- V. Persons Requesting to Be Heard

- VI. Approval of Minutes

- A. Regular Meeting of September 17, 2024

Alderman Zagaroli moved, seconded by Alderwoman Patton that the Minutes of September 17, 2024 be approved. The motion carried unanimously.

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

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

- A. Budget Revision Number 5. (First Reading Vote: Unanimous)

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

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

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

The mission of the City of Hickory’s Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens’ Advisory Committee was formed to provide for citizen input in the facilitation of the City’s CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens’ Advisory Committee at a regular meeting on September 5, 2024.

- Donna Vaughn, 918 8th Street NE, Hickory, was recommended for approval of up to \$12,000 under the City of Hickory’s 2024 Urgent Repair Program.
- Peggy Duke, 811 3rd Street SE, Hickory was recommended for approval of up to \$12,000 under the City of Hickory’s 2024 Urgent Repair Program.

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

- B. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of 151.218-Acres, Located at 432 Catawba Valley Boulevard, SE, 2115 3rd Street Place SE, and Five Adjoining Parcels, Identified as PINs 3701-08-78-9470, 3701-08-77-5545, 3701-08-87-5621, 3701-12-87-7400, 3701-12-87-5316, 3701-11-66-6796, 3701-11-66-6796, Owned by Blueberry Farm Hickory, LLC. (Authorized Public Hearing for October 15, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-56
 RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Blueberry Farm Hickory LLC requesting annexation of an area described in a petition was received on September 16, 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 Blueberry Farm Hickory LLC, containing 151.218-acres more or less, located on Catawba Valley Boulevard SE between 3rd Street Place SE and 18th Avenue SE, and identified as PINs 3701-08-77-5545; 3701-08-78-9470; 3701-12-75-5345; 3701-11-66-6796; 3701-12-87-5316; 3701-12-87-7400; and 3701-08-87-5621.

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

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-57
 RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on October 15, 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 Blueberry Farm Hickory LLC, containing 151.218-acres more or less, located on Catawba Valley Boulevard SE between 3rd Street Place SE and 18th Avenue SE, and identified as PINs 3701-08-77-5545; 3701-08-78-9470; 3701-12-75-5345; 3701-11-66-6796; 3701-12-87-5316; 3701-12-87-7400; and 3701-08-87-5621.

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. 24-58

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

WHEREAS, Blueberry Farm Hickory LLC is the owner of certain real property as described herein, which property is located on Catawba Valley Boulevard SE between 3rd Street Place SE and 18th Avenue SE, and identified as PINs 3701-08-77-5545; 3701-08-78-9470; 3701-12-75-5345; 3701-11-66-6796; 3701-12-87-5316; 3701-12-87-7400; and 3701-08-87-5621, containing 151.218-acres more or less; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 1st day of October, 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 October 15, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled Blueberry Farm Hickory, LLC, Voluntary Contiguous Annexation Map 1 City Boundary, subject property outlined in red; Blueberry Farm Hickory LLC Voluntary Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Blueberry Farm Hickory LLC Voluntary Contiguous Annexation, Map 3, Aerial Imagery subject property outlined in red.

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

C. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 3.799-Acres, Located at the Eastern Corner of the Intersection of 21st Street Drive SE, and 27th Street Drive SE, Identified at PIN 3722-14-32-1763, Owned by RFW Properties, LLC. (Authorized Public Hearing for October 15, 2024, at 6:00 p.m. in Council Chambers

of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-59
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from RFW Properties, LLC requesting annexation of an area described in a petition was received on September 16, 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 RFW Properties, LLC, located at the eastern corner of the intersection of 21st Street Drive SE and 27th Street Drive SE, Hickory, containing 3.799-acres more or less, and identified as PIN 3722-14-32-1763.

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

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-60
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on October 15, 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 RFW Properties, LLC, located at the eastern corner of the intersection of 21st Street Drive SE and 27th Street Drive SE, Hickory, containing 3.799-acres more or less, and identified as PIN 3722-14-32-1763.

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. 24-61

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

WHEREAS, RFW Properties, LLC is the owner of certain real property as described herein, which property is located at the eastern corner of the intersection of 21st Street Drive SE and 27th Street Drive SE, Hickory, containing 3.799-acres more or less, and identified as PIN 3722-14-32-1763.

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 1st day of October 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 October 15, 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 RFW Properties, LLC, Voluntary Annexation Map 1, City Boundary, subject property outlined in red; RFW Properties, LLC, Voluntary Annexation Map 2, Zoning, subject property outlined in red; RFW Properties, LLC, Voluntary Annexation Map 3 Aerial Photography subject property outlined in red.
- Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

D. Approved the First Amendment to the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement with Catawba County.

Staff requests Council’s approval of the First Amendment to the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement between Catawba County and City of Hickory. The City of Hickory previously entered into an agreement with Catawba County on March 1, 2023, to expand the Hickory-Catawba Wastewater Treatment Facility from 1.5 million gallons per day to 3 million gallons per day to better manage the continued growth. The City of Hickory and Catawba County agree to amend Section 3.1 of the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement. The modified agreement allows Catawba County to reimburse the City of Hickory for costs incurred for the approved activities under this agreement in the amount of \$1,400,000. Staff recommends Council’s approval of the First Amendment to the Hickory-Catawba Wastewater Treatment Facility Expansion (ARPA) Agreement between Catawba County and City of Hickory.

E. Approved a Resolution Approving the Construction Management at Risk Construction Delivery Method for the Catawba River Environmental and Education Center Pursuant to the Provisions in NCGS 143-128.1.

Staff requests Council’s approval of the Resolution approving the construction management at risk construction delivery method for the Catawba River Environmental and Education Center. The Catawba River Environmental and Education Center Project will consist of an environmental and education center to be constructed on three parcels of land owned by the City of Hickory consisting of 24.51-acres located in Burke County. Staff has compared the advantages and disadvantages of using the construction management at risk construction delivery method for the project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G. S. 143-128(a1)(3). The construction management at risk construction delivery method allows for selection of the most qualified contractor for the project and provides an opportunity for involvement of the contractor during the design process for the purpose of providing the architect with feedback on constructability and

other design issues. The method also requires the Construction Manager to use prequalified subcontractors and allows for transparency of the overall bidding and construction process, including the costs incurred by the Construction Manager. Staff requests Council's approval of the Resolution approving the construction management at risk construction delivery method in accordance with G.S. 143-128.1.

RESOLUTION NO. 24-62

A RESOLUTION OF THE CITY OF HICKORY APPROVING CONSTRUCTION MANAGEMENT AT RISK CONSTRUCTION DELIVERY METHOD FOR THE CATAWBA RIVER ENVIRONMENTAL AND EDUCATION CENTER PURSUANT TO THE PROVISIONS OF N.C.G.S. § 143-128.1

WHEREAS, the City of Hickory is engaged in what is commonly known as the Catawba River Environmental and Education Center Project, which will consist of an environmental and education center to be constructed on three tracts or parcels of land owned by the City of Hickory consisting of 24.51 +/- acres (the "Project"), said tracts or parcels of land being situated in Burke County, North Carolina and being identified as PIN: 2783788894, 2783886713, and 2783785060; and

WHEREAS, the Project will consist of the construction of a space for public and private events, indoor and outdoor classroom space, exhibit areas, gift shop, kitchen, area for café seating, parking lot, garden pavilion, water access and creek pavilion, and other amenities; and

WHEREAS, City Council has compared the advantages and disadvantages of using the Construction Management at Risk Construction Delivery method for the Project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G. S. 143-128(a1)(3); and

WHEREAS, City Council finds that the Construction Management at Risk Construction Delivery method allows for selection of the most qualified contractor for the Project; and

WHEREAS, the Construction Management at Risk Construction Delivery method provides an opportunity for involvement of the contractor during the design process for the purpose of providing the architect with feedback on constructability and other design issues; and

WHEREAS, the Construction Management at Risk Construction Delivery method requires the Construction Manager to use prequalified subcontractors; and

WHEREAS, the Construction Management at Risk Construction Delivery method allows for transparency of the overall bidding and construction process, including the costs incurred by the Construction Manager; and

WHEREAS, City Council has concluded the Construction Management at Risk Construction Delivery method is in the overall best interest of the Project compared to the use of one of the delivery methods in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3).

NOW, THEREFORE, BE IT HEREBY RESOLVED, that City Council for the City of Hickory selects the Project for the Construction Management at Risk Construction Delivery method in accordance with G.S. 143-128.1.

- F. Approved the Conveyance of 128.95 +/- Acres of City-Owned Property to the State of North Carolina as Additions to the North Carolina State Parks System for Public Access and Recreational Purposes.

Staff requests Council's approval of the warranty deed to convey the properties located along Deitz Road and River Road, more particularly identified as a portion of 3701-16-84-4836 and all of 3701-15-73-4171, 3701-15-63-6164, and 3701-15-73-1634 to the State of North Carolina for the purposes of future development as additions to the North Carolina State Parks system. On January 15, 2019, Hickory City Council adopted Resolution Number 19-01, authorizing the City Manager to execute a letter of intent and any other necessary real estate documents for a future conveyance of the City's properties to the State of North Carolina, working through the Foothills Conservancy. The State of North Carolina is interested in the future development of these 128.95 +/- acres of properties located along Deitz Road and River Road into recreational and other opportunities for the public. The City of Hickory conveys the property in fee simple to the State of North Carolina as long as the State of North Carolina keeps the property predominately in its natural, scenic, or open condition and uses the entire property solely as an addition to the North Carolina State Parks system for public access and recreational purposes, and completes the construction of the amenities as defined in the Warranty Deed, as defined within ten years of the transfer of the property to the State of North Carolina. North Carolina General Statute 160A-279 permits the City to convey property to nonprofit entities. Staff recommends Council's approval of the warranty deed from the City of Hickory to the State of North Carolina for the purposes of a State Park for the conveyance of 128.95 +/- acres of City-owned property.

- G. Approved Applying for the 2024 Justice Assistance Grant and Partner with Catawba County Sheriff's Office in the Amount of \$29,590 (Catawba County \$11,664, and Hickory Police Department \$17,926) and Approved the Interlocal Agreement with Catawba County.

Hickory Police Department requests approval to apply for the 2024 Justice Assistance Grant in collaboration with Catawba County Sheriff's Office. City of Hickory has received notification of approval to receive \$17,926 based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. There is no match required. Catawba County Sheriff's Office has received notification of approval to receive \$11,664 based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct federal grant awards. Hickory Police Department will use the grant funds for annual licensing fee for two GrayKey forensic devices from Magnet Forensics in collaboration with Catawba County Sheriff's Office. The JAG legislation requires counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on a required Memorandum of Understanding (MOU). Hickory Police Department recommends approval to apply and partner with Catawba County Sheriff's Office for the 2024 Justice Assistance Grant in the amount of \$29,590 (Catawba County Sheriff's Office – \$11,664 and Hickory Police - \$17,926). Hickory Police and Catawba County Sheriff's Office will share the remaining expense of the annual licensing fee to use two GrayKey forensic devices from Magnet Forensics for the FY2025-2026 fiscal year.

- H. Approved on First Reading Budget Revision Number 6.

**ORDINANCE NO. 6
BUDGET REVISION NUMBER 24-36**

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 Urgent Repair Program Fund within the FY 2024-25 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	132,000	-
TOTAL	132,000	-

To provide funding for the above, the Urgent Repair Program Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	132,000	-
TOTAL	132,000	-

SECTION 2. To amend the General Fund within the FY 2024-25 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	95,833	-
TOTAL	95,833	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	95,833	-
TOTAL	95,833	-

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

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business
 - A. Public Hearings

1. Approved the Preliminary Assessment Roll for Curb and Gutter Petition 24-01, for Property Located at 525 9th Avenue NW, Hickory – Presented by Public Works Director Steve Miller.

The City Clerk received petition number 24-01 from the owners of property along 525 9th Avenue NW to install curb and gutter along a portion of their street as per Section 29-2 of the Hickory Code of Ordinances. The petition was a single-party petition. The City Council adopted a Resolution Directing that Street Improvement Project Be Undertaken. Construction of the curb and gutter was completed on August 2, 2024. The preliminary assessment roll number 24-01 has been prepared based on the curb and gutter constructed along a portion of 525 9th Avenue NW in response to a petition by property owners. The City Clerk mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. The Resolution confirms the assessment roll. Staff recommends approval of Assessment Roll 24-01 for curb and gutter constructed along a portion of 525 9th Avenue NW.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on September 21, 2024.

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

City Manager Warren Wood asked Public Works Director Steve Miller to the podium to present Council with the preliminary assessment roll for curb and gutter petition 24-01, for property located at 525 9th Avenue NW.

Public Works Director Steve Miller gave a PowerPoint presentation. He discussed curb and gutter petition 24-01 for property located at 525 9th Avenue NW. They had completed the work. It was time to assess the owner for the cost of that. The work was done at 525 9th Avenue NW for the improvements. The date of construction was July 19, 2024. The date of completion was August 2, 2024. The total length was around 109 linear feet. The driveway was 24 feet, and the total that would be billed to the property owner would be \$5,108.50. He referred to the PowerPoint and displayed photos of the property. He noted that they attached to the curb and gutter that was at the house, that was downhill, and then came up to the front. They were having some water issues going in their driveway. They had kind of a circular drive. So that helped to alleviate that water issue. He thought that this particular resident owned the lot that was there beside of them. He tried to talk them into doing that lot, too, but at this time, they were just doing the lot that they actually have a residence on. He displayed more pictures of the project and pointed out the quality of work that the street department did. They did a really good job, and it matched into their driveway really well. Their concrete driveway was existing, and it had a big hump in it where they were trying to keep the water out of it. It turned out to be a real good project. The request was for Council's approval of a Resolution authorizing the preparation of assessment rolls for street improvement petition 24-01 for curb and gutter, located at 525 9th Avenue NW, in the amount of \$5,108.50.

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

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the assessment roll for curb and gutter petition 24-01 for 525 9th Avenue NW. The motion carried unanimously.

RESOLUTION NO. 24-63
 RESOLUTION CONFIRMING AND LEVYING ASSESSMENT
 STREET IMPROVEMENTS ON A
 PORTION OF 525 9TH AVENUE NW, HICKORY
 NO. 24-01

WHEREAS, the City Council of the City of Hickory has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the street improvements on a portion of 525 9th Avenue NW, Hickory; and

WHEREAS, the City Council has heard all those persons present who requested to be heard and has found the Assessment Roll to be proper and correct.

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

1. The Assessment Roll for the improvement of a portion of 525 9th Avenue NW, Hickory is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
 2. The City Council of the City of Hickory, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll.
 3. The City Clerk is hereby directed to deliver to the Collector of Revenue the said Assessment Roll.
 4. Assessments may be paid without interest at any time before expiration of 30 days from the date this notice is published.
 5. The Collector of Revenue is hereby charged with the collection of the said assessments that are not paid within this time, in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.
 6. The City Clerk is hereby further directed to publish once on the 22nd day of October, 2024.
2. Approved Closing an Unnamed Alley Located Between 1st Street SW and 2nd Street SW as requested by RGS Property LLC – Presentation by Public Works Director Steve Miller.

The City Clerk received a petition from RGS Property, LLC owner of the properties abutting an unnamed alley located between 1st Street SW and 2nd Street SW. The petition requests the City to close the unnamed alley per NCGS § 160A-299. The unnamed alley is bound on the north, south, east and west by the property owned by the Petitioner RGS Property LLC. The signature on the petition represents all the owner(s) of the property abutting this portion of the right-of-way. The petition fee of \$930 has been paid. A memo was sent to various departments for their input on the street closing. No public water or sewer is located in the street to be closed. Staff recommends Council's consideration of closing an unnamed alley located between 1st Street SW and 2nd Street SW, as petitioned by RGS Property LLC.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on September 7, 14, 21, and 28, 2024.

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

City Manager Warren Wood asked Public Works Director Steve Miller to the podium to present Council with the request to close an unnamed alley located between 1st Street SW and 2nd Street SW as requested by RGS Property LLC.

Public Works Director Steve Miller gave a PowerPoint presentation. He discussed the unused alley off 2nd Street SW and 2nd Avenue SW, and coincidentally between 1st Avenue and 2nd Avenue SW. It was a single party petition by RGS Property LLC. The unopened street was bound on the north and south sides by property owned by the LLC. The request for Council's approval was a Resolution and Order closing this portion of the unopened street adjoining 1st Street and 2nd Street SW. He referred to the PowerPoint and displayed a photo of the area. They owned all four corners of this parcel. He advised this was an old alleyway. It was not wide enough to do anything with if someone wanted to. He noted a piece that may have been 1st Street at one time, but it looked like it could have been in the 30s or 40s whenever this was all developing. There used to be a cab stand or something there, that some folks would remember. The property to the north was the new apartment complex EveryAge. He noted the location of the Bella Rose, a consignment store, and the old Clark Tire building. There were no City utilities in here. There was nothing that they would ever need to have that property for. Staff requested approval of a Resolution and Order to close this portion of the unopened street adjoining 1st Street SW and 2nd Street SW.

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

Alderwoman Patton moved, seconded by Alderwoman Williams approval of closing of an unnamed alley located between 1st Street SW and 2nd Street SW. The motion carried unanimously.

RESOLUTION NO. 24-64
RESOLUTION AND ORDER

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

An unnamed alley located between 1st Street SW and 2nd Street SW

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

Beginning at a Mag Nail set found in the southwestern corner of the Property of RGS Property, LLC (PIN: 370207587873) and being described in Deed Book 3775, Page 1967 and following alongside a 40' Right of Way (being commonly known as 2nd Street SW) N 02°50'09" E 123.00 feet to a ¾" rebar found and being the POINT OF BEGINNING, thence S 86°26' 19" E 104.20' to a calculated point, thence S 02°58'57" W 121.50' to a mag nail set found, thence with 2nd Avenue SW to the south, S 87°20'43" W 12.11' to a calculated point, thence with the property of RGS Property, LLC to the east (PIN: 370207588874) and being described in Deed Book 3708, Page 182, N 02°55'04" E 105.41' to a ¾" pipe found, thence N 24°51'35" E 21.51' to a ½" pipe found, thence with the property of RGS property to the south (PIN: 370207588874) and being described in Deed Book 3708, Page 182, S 86°54'35" E 59.49' to a 1" flat bar found, thence with a 60 foot right of way (commonly known as 1st Street SW) N 03°04'14" E 17.15' to a calculated point, thence with the property of RGS Property, LLC to the north (PIN: 370207588976) and being described in Deed Book 3770, Page 1386, N 86°54'35" W 83.20' to a calculated point, thence continuing on with the property of RGS Property, LLC to the north (PIN: 370207587987) and being described in Deed Book 3770, Page 1386, N 86°26'19" W 100.57' to a calculated point, thence with a 40' right of way (commonly known as 2nd Street SW) to the west, S 02°50'09" W 20.00' to the POINT OF BEGINNING, and being a unopened alley as shown on Plat Book 88, Page 114, Catawba County Registry of Deeds.

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in The Hickory Daily Record in the issues of September 7, September 14, September 21, and September 28, 2024.

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

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

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

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

3. Deferred Approval of a Resolution to Abolish the City of Hickory Public Housing Authority and Transfer to the Western Piedmont Council of Governments – Presentation by City Manager Warren Wood.

The United States Department of Housing and Urban Development (HUD) provides funds for the provision of affordable housing through its public housing programs. The City of Hickory Public Housing Authority (PHA) was created to administer said funds and manage all associated assets with the public housing program. HUD issued reports in 2012 and 2015 detailing a lack of adequate housing authority board oversight and administration and the City continues to receive complaints about the PHA. HUD encourages the consolidation of public housing authorities to provide better administration of HUD programs and funds. A regional public housing authority provides greater economic and housing

mobility for program clients. The Western Piedmont Council of Governments (WPCOG) has been designated as a regional public housing authority since January 1, 1978 pursuant to Chapter 157 of the North Carolina General Statutes. North Carolina General Statutes §§ 160A-475 and 157-4.1A authorizes the City of Hickory to delegate by Resolution any powers to the WPCOG, including the transfer of its public housing authority. Staff recommends City Council's consideration of the Resolution to abolish the City of Hickory Public Housing Authority and approve the transfer to the Western Piedmont Council of Governments.

Notice of the public hearing was advertised in a newspaper having general circulation in the Hickory area on September 21, 2024.

Mayor Guess introduced the public hearing, which was consideration of a Resolution to abolish the City of Hickory Public Housing Authority and transfer that to the Western Piedmont Council of Governments which would be presented by City Manager Warren Wood.

City Manager Warren Wood presented a PowerPoint presentation. He commented the first thing about this presentation and public hearing was that a public hearing was not required to do this, if they chose to do this. It could have been done by a Resolution. He knew that City Council said they wanted to have an opportunity for the public to weigh-in and have a period of comment for them to consider other items related to this before they made any decisions. They were going one step beyond what was actually required. The other thing, sometimes there was confusion when people talk about the Hickory Public Housing Authority, they think of what used to be Ridgecrest, Blue Ridge Heights, Terrace Hills, and Sunny Valley. That part of public housing was not owned by Public Housing anymore. They do not have bricks and mortar units. They administer section 8 housing vouchers. Those units that used to be public housing were now owned by a nonprofit called Nu-Dimensions. He knew people still thought that they owned and operated units. He thought there was a management contract with the ownership of what used to be public housing, bricks and mortar, it was now with Nu-Dimensions and had been since 2017. A lot of what he would discuss was related to the section 8 vouchers, which was the main mission of the Hickory Public Housing Authority today. Section 8 was a housing voucher program, it was for low-income households, to help them to be able to afford safe and decent housing in the private rental market. The program issues an income-to-income qualified households, a voucher in the Public Housing Authority (PHA), pays the landlord the difference between what the tenant can pay and what the tenant cannot pay. For example, if it was \$1,000 rent, the tenant can pay \$200, the voucher covers the other \$800. It goes to the private sector landlord, where that certificate holder was living. These vouchers were not just for individuals, they were for families.

City Manager Warren Wood commented that a lot of times people hear Hickory Public Schools, people thought that City Council operates and owns the Hickory Public Schools. There was a lot of the same thought that people think about the Hickory Public Housing, but that was not the case. Their relationship, and this was true across the State, this was North Carolina General Statutes, they were very limited in their role related to public housing. Cities could create Public Housing Authorities, and City Council did back in the 60s, they created what today exists as the Hickory Public Housing Authority. They could abolish the Hickory Public Housing Authority. Authorities were considered local governments, a local unit, so they fall under the same financial reporting requirements and everything else, just like a city would. That part of their operation was overseen by the State Treasurers Office. Across the State, in situations like they have, where the City had created an Authority, the Mayor makes the board appointments. Mayor Guess, and prior to him, Mayor Wright, and Mayor McDonald, made the appointments to the board. The Mayor may remove a Housing Authority Board member for cause. There was a process that was outlined in the statutes. When this Housing Authority was set up, there was a minimum of five board members on the Housing Authority Board, now there were nine. City Council has the authority to expand it to eleven. There were a couple other more minor things, but that was really the essence of the City's involvement with the Hickory Public Housing Authority. They do not administer. The Hickory Public Housing Authority operates as an independent governmental unit. They had established it, but they operate independently of the City. It was not a department of the City. It was its own governmental unit. The City does not appoint its Executive Director, its personnel were not City employees. This was true across the State. The City does not manage their funds and do not fund the Housing Authority. Their funding comes from HUD, the Federal government. They do not direct Housing Authority operations, and they were subject to an annual audit, just like the City of Hickory was at the end of their fiscal year. Outside of the relationship with board appointments, the City and the Hickory Public Housing

Authority operate as independent governmental units with their own independent missions. That was the structure here.

City Manager Warren Wood mentioned their mission. It changed in 2017 when what used to be known as the bricks and mortar of public housing the ownership of that changed to Nu-Dimensions. The Hickory Public Housing Authority does not own any bricks and mortar units in their portfolio. All they do is administer the section 8. However, Nu-Dimensions does contract with the Hickory Public Housing Authority for management and maintenance services. Nu-Dimensions owns, and then they have a contract for Public Housing to manage and maintain. Hickory Public Housing Authority, as far as the core part of their mission, was just limited to the housing vouchers through HUD.

City Manager Warren Wood discussed performance. The City has another Housing Authority in Catawba County, that was the Western Piedmont Council of Governments. He shared some comparative data. The Hickory Public Housing Authority, with those section 8 vouchers that they have, they have 556 vouchers through HUD. They were utilizing, or were able to place families within that 556 number, 340. They were leaving about 216 on the table, so to speak. That was not 216 individuals that was 216 potential families. That was a utilization rate of what they had been allocated by HUD of 61.15%.

Alderman Freeman requested that City Manager Warren Wood state that again.

City Manager Warren Wood reiterated that it was a utilization rate of the 556 vouchers that they have from HUD, 61.15%, which leaves 216 potential families unserved by section 8 vouchers that they have. The Western Piedmont Council of Governments were a Regional Housing Authority. They have the four County region, which includes Hickory. They have a section 8 program, too. They have 1,386 vouchers. The number they utilized in that number was 1,356. That was almost a 98% utilization rate. They had 30 unutilized, and they say that was typically the churn between people moving out of section 8 and others moving in. He noted they could see the difference in performance within the section 8 housing voucher program just between those two entities. And of the 65 Public Housing Authorities in the State of North Carolina that administered the housing vouchers, the section 8, the Hickory Public Housing Authorities' percentage of 61.15% utilization of their vouchers ranked 60th lowest out of 65.

City Manager Warren Wood shared some trend data. He referred to the PowerPoint and displayed a chart. He pointed out on the graph when Nu-Dimensions took what used to be the bricks and mortar of Public Housing, and then Public Housing switched just to purely the section 8 vouchers. He noted there had been a consistent trend of the percentage of leasing that he previously showed them, down to where they were today. That was probably a six-year timetable there. He pointed out the Nation's among the section 8 vouchers, they could see it had been pretty consistent at just a little less than 90% across the Nation. There had been a decline through the last six-years.

City Manager Warren Wood explained why this had come to head, so to speak. Over the past year, they had people stand at the podium, they had gotten emails, phone calls, and text messages about complaints related to the Housing Authority. Sometimes it related more to their management and maintenance of the bricks and mortar units that Nu-Dimensions owned. The message was their relationship with the Housing Authority was the Mayor appoints the Board, and that was it. But it reached the point where they asked what some other options were. They asked the City Attorney and himself to look into all this. They did a number of public records requests to get a lot of this information. They wanted to know what their options were, so that was why they were here tonight. It was not his decision; it was their decision. They could do with it as they pleased. Since the Housing Authority manages those units for Nu-Dimensions, independent, Council kept saying there was not much they could do. It was their own independent group and whatnot. They started looking into some of it. What was their performance like? He just showed them some of it. HUD had an online voucher reporting system that required Housing Authorities to report their leasing and housing voucher data monthly. That report, it was not his report, it was HUD's report, showed that the Housing Authority had not submitted any data forms that were required monthly in the last six months.

Alderman Freeman asked City Manager Warren Wood to state that again.

City Manager Warren Wood reiterated they were required to submit monthly through a HUD portal, their data on leasing, and they had not done that in the last six months. And that was current as of this afternoon. The Housing Authority was the only Housing Authority in the State of North Carolina that had gone six months

without reporting their data. They had recently received written complaints from landlords about not getting paid. That had been a new wrinkle. They had not had that before, now they had heard some of those he understood, and maybe some of those had been resolved. That was the core of what they do. Those section 8 vouchers. People could get evicted if these landlords were not getting their section 8 vouchers. He had seen emails where people were begging not to get evicted.

Alderman Wood asked for clarification, the tenants do not have any control or authority over that because of the lack of responsiveness or lack of getting paid from the Public Housing Authority.

City Manager Warren Wood commented that the private landlords were for profit. That voucher was part of the rent. The tenant could pay their \$200 or whatever it was, but if the landlord was not getting the other \$800 through the section 8 voucher or the family section 8 voucher, then they could be evicted.

Alderman Wood commented they were helpless, basically.

Alderwoman Patton commented if they are not reporting their data, then they were not getting money from HUD to turn around and pay the landlords.

City Manager Warren Wood commented that was where all the bureaucracy of all this was, His understanding there was a reporting structure that they had to fulfill reporting on in order to get the money for the section 8 vouchers. He did not know the answer to why that had not been happening, but that was catching up. Council asked the City Attorney, and himself what the options were given the complaints that had risen the last year or so. There may be a couple, but the two core options were. The Mayor, as he said earlier, could remove Housing Authority board members for cause, it was a process, he could not just remove them. There was a process involved to replace them, that might get to the oversight. The North Carolina General Statutes outlined what that process was. The second thing was City Council could abolish the Hickory Public Housing Authority. They could do that via Resolution, which was in their agenda packet, and transfer their responsibilities to the Western Piedmont Council of Governments, who already operated a Regional Housing Authority for the Hickory Metro. That required final HUD approval, but if they eventually approved the Resolution it would be effective July 1, 2025, because there would need to be a transition period. Somebody asked him earlier if that meant that everybody that was on the Hickory Housing Authority section 8 vouchers had to start over again? No, that was not what that meant. Just the administrator of the whole program would change, but they would not be impacted negatively. HUD actually recommends regionalization. They could imagine they had all this. Back in the day before technology and what-not a lot of towns had Housing Authorities, and there was a lot to maintain. These were the organizations administering their grant programs. Through the years, where possible, some folks were not in a position to do it, but to consolidate Public Housing Authorities through Regional Housing Authorities, which was what they have. If Council were to approve this, Hickory was already part of the COG's (Council of Governments) section 8 program. They were already placing people in Hickory. He actually called it some duplication. That was what would be happening here. The COG did not come to the City asking to do this, they were asked to look into the options. They said they were willing to do it, but they did not come to the City begging for this. The regionalization would address housing challenges and improve delivery of service to low-income families. The Western Piedmont Council of Governments had demonstrated an ability to effectively manage HUD's housing voucher program as they saw by their almost 98% utilization rate of the vouchers that HUD allocated to them. They had also demonstrated their ability to consolidate, as they recently did with the Valdese Public Housing Authority. They have done this before. Something that was unique to the COG was they could also provide additional services to their voucher recipients through their Agency on Aging Division. If they had elderly folks that were on section 8, they had additional services there. Folks that were still working age, they had a Workforce Development Division that could also work with their section 8 recipients to get them up and out of the section 8 program and independent for themselves.

Alderman Wood was assuming that a lot of this was economies of scale like any other business. Correct? Their benefit. Some of the performance was due to economies of scale and those types of things.

City Manager Warren Wood commented that was absolutely true. He knew that the Housing Authority was a small authority. It had some turnover. As to his point, the COG has more resources. They were involved in more activities, and they had more resources, not just because of HUD, but they provide services to other organizations. They have some resources that the Housing Authority was not able to have, in fairness, the Housing Authority does not have the funding to do.

Alderwoman Patton commented Western Piedmont had oversight by four different County Managers, the City Managers and they meet housing authority and get monthly reports all the time.

City Manager Warren Wood advised that the Housing Authority board for the Western Piedmont Council of Governments Regional Housing Authority was the COG general board who were elected officials from around the four County region. It was a cross section of folks from City Councils around the region. They could approve this Resolution, and HUD could still disapprove it, although they were encouraging regionalization. He did not know that they would disapprove it, but it would again be effective July 1, 2025.

City Manager Warren Wood referred to the PowerPoint and displayed the Monthly Impact Report from the Western Piedmont Council of Governments. He advised every month the Western Piedmont Council of Governments puts out from of all their divisions the numbers and statistics of what they saw that month. They were transparent about putting that out. To her point on the level of resources that they have to be able to do this. In each one of the half a dozen divisions that they have, what was going on every month, because they were putting this out. They could go on their website and look at it. They put that out every month.

City Manager Warren Wood advised over the past two months, the City Attorney made several public records requests to the Hickory Public Housing Authority so they could fulfill Council's request to really understand more, how were they functioning? How were they structured? What were the ins and outs? There had been a number of records that they had requested that they would have thought they would have received by now, that they had not received. Some of these go back weeks. Either they do not have what they were asking for or some other reason. With that in mind, they would like to at least give two more weeks to get a fuller more complete picture. He thought that they were at about 95% of what they requested. There were a couple of pieces of information they would like to have to close some knowledge gaps between what they think they know and what they might not know. He asked that they give two more weeks for an opportunity to get those last documents that they asked for, or just "we do not have them". That would be good, too. They could quit waiting on them. Hold the public hearing tonight for the proposed Resolution. Hear from the public. That would give them more information to make their decision, it gives them two more weeks to think about what they hear tonight. Close the public hearing, and then consider a motion, and a second, to delay the final vote until October 15. After the motion they could have more discussion if they want more information. And then the ultimate, voting to delay the final vote until October 15, which was their next meeting. He asked if that made sense.

Alderman Freeman asked a question of the City Attorney. They made several attempts for the public records from HPHA. They received some documents. Correct? And there were some documents that they had not yet received, such as minutes that they had been asking to receive from Hickory Public Housing Authority. He asked with those minutes, how far did they ask back for the minutes?

City Attorney Timothy Swanson advised he was correct. They had made, he thought, it was three total public records requests. The first batch was rather large, and they did get some of that, but there was still some substance missing from the responses. A lot of the minute's requests were not related to time it was like a five-year grab back. It was more related to events. Give us the minutes where you approved X, Y or Z action. He was working with the PHA's Attorney, Charles Francis, who was out of Raleigh, and he was certainly working diligently trying to get these records to them, but they had a few gaps that they need to close.

Alderman Freeman replied, yes, because that was interesting to know that either they do not have them or either they do not want Council to have them. That was interesting to note. He thanked City Attorney Swanson.

Alderman Wood asked City Attorney Timothy Swanson as a local government unit recognized by North Carolina Statutes, were they held to the same standard as, say, the City was in terms of documentation of meetings, minutes, those types of things, were they held to the same standard as a local government unit?

City Attorney Timothy Swanson replied yes.

Alderwoman Patton commented that part of the bylaws of the Hickory Housing Authority was that they were to notice the City. They have found they had not done that up until, she believed, July was the first actual notice that they gave. Just like the City had to notice every public meeting.

City Attorney Timothy Swanson advised that was right. They did find in the public records requests that they were deficient in that regard.

Alderwoman Patton commented if they follow this process, then on October 15, they will reopen.

City Attorney Timothy Swanson explained how that would work. Actually, they would not have to republish or anything, readvertise for the public hearing. They would not reopen the public hearing. They would reconvene, and then would act on the 15th as to whatever they decided to do. It could be to abolish, it could be to increase the membership, it could be whatever they decided.

City Manager Warren Wood advised that it would probably be under a special report, just so he could advise they got this information, or did not. Now the question was before them for an up or down vote.

Alderwoman Patton asked when the last request was that they had requested for the records of the minutes.

City Attorney Timothy Swanson advised it was probably about nine to ten days ago would have been the last request.

Alderwoman Patton asked if that was their third request.

City Attorney Timothy Swanson confirmed it was.

Mayor Guess asked if there were any other questions for the City Manager from Council. He thanked City Manager Warren Wood. He reiterated the rules for conducting the public hearing. He declared the public hearing open for the matter in consideration of the Resolution to abolish the City of Hickory Public Housing Authority and to transfer it to the Western Piedmont Council of Governments, as they had heard presented by City Manager Warren Wood. He asked if there was anyone that would like to speak in opposition of this consideration. They would come to the podium and state their name and address.

OPPONENT

Ms. Trish Johnson advised that she serves as a member, a Commissioner with the Hickory Public Housing Authority board. She thanked them for the opportunity to address. She could not say that she was speaking in favor of, or in opposition of, because she was just hearing all the information from their perspective. But what she was speaking in favor of was to please, let's take the opportunity to get the information. Let's make sure that we do not mix apples with oranges, that we call it what it is. She could say that as a member of the board, and she had been on that board appointed since 2016, they do diligently have minutes. They were approved and they were fulfilling their role as in their responsibility as being a governing body of that organization. She knew that there were some concerns that had been expressed by tenants. They had those same concerns, because one of their main concerns, of course, was making sure that their residents had fair, affordable, safe housing. That was their main concern. And everything sometimes does not come off the way it should be. Having spent 39 years in education, she knew that sometimes people would complain about things that were not just the way they should be. But it was their responsibility to oversee the working of what was happening. She knew there were some effective solutions. Maybe the solution may be to turn it over to the Western Piedmont Council of Governments. But she did not want their board to be viewed as one that was not doing its due diligence, because that was what she heard. When she heard them say that they were not keeping their minutes, they were not doing this. That was unfounded and untrue. She was not sure why they had not received the information that they had requested, but on her end, from where she sits, she had seen email, after email, after email, with attachment after attachment that had been forwarded to Mr. Swanson in response to the request for information that had come directly from the Hickory Public Housing Authority. She found out last night that there was probably some information that was being requested from their Attorney. She was not aware of what he had sent or what he had not sent. They were going to be meeting with him on the third to get some further clarification for what he had not responded to. She could say that every time they pull an employee to send five, six, seven emails each day in response to requested information, somebody was not doing the work on the other end. They do not have a staff that was full, she was sure, as Western Piedmont Council of Governments, but they do have a staff that was committed and concerned. They were a group that has established accountability. She knew how important it was. When she raised her hand to serve in a capacity she takes the responsibility, and she was accountable for what

she was there to do. She found it to be somewhat disheartening when she hears that it was felt that the board does not have the ability to oversee and to provide the oversight that was needed for the operations. The fair and safe operations of the Public Housing Authority. She thought their dialogue needs to be transparent. They need to call it what it is. If they thought that they had exceeded their ability to manage in a capacity as a governing board, then that was what they need to call it. It was not because they were not doing what they need to do when they do not have the finances, when they do not have the funding to complete and to repair things as they should be. They were working in making sure, it was not their responsibility to do the work. It was their responsibility to oversee, to hire the CEO, to make sure staff was hired, and to set policies. They meet regularly. She invited any of them to attend their meetings. She invited them to be there to hear up close and personal what their discussions include. She invited them to pay attention to the policies that they were enforcing. She knew that it started about mid spring, and they began to have more and more reports of just dissatisfaction for things that were happening as far as the maintenance of their buildings and facilities. Those things were trying to be addressed as quickly as they could. It was not because the board was not paying attention or was not capable of paying attention. It was because they have to make sure that they have the infrastructure to do what they need to do. To make sure that they have the resources to do what they need to do. They received a report, which astonished most of them back in the summer, that there was a report of over 6,000 police reports made, addressed at Hickory Public Housing establishments or their facilities. But when they sat with the police, and they did what they should do as citizens and collaborated and communicated together they found out that a lot of it was some pre opportunities to do some things to prevent. They do ground, they do foot patrol. They were there just doing regular checking. All of those go in as a report. And when you see it, yeah, they were going to see 6,000 reports, but they had to look and see how much was requiring the safety of their citizens. She was not saying that there were not problems. She was not saying that. She was not a Pollyanna, and she was not trying to deny anything, that there were not opportunities there for them to address. She was just saying that collaboratively, as a citizen concerned group, who had been appointed by the Mayor as a group to serve the citizens and the tenants of the Hickory Public Housing Authority, that they would give them an opportunity to answer those questions, to work together because even if the decision was made, they do not want to go out, she does not want to go out, saying that they were incapable, they were not qualified, they could not manage. That does not look good or bode well for them, especially for their community. She knew that things had escalated over the past few months, and they were working as best as they could. But she would say she knew, as Commissioners who were appointed to this board, they had their hearts in the right places, and they were doing the right thing by their citizens, and they were taking their responsibility very, very seriously. She would say that even though the vouchers were causing them concern right now. She knew the question was not no questions, but her statement was, how could Western Piedmont Council do any different? When they had to make sure that the vouchers that were issued for the Hickory Public Housing Authority were within a certain radius. How were they going to do any different? When the housing was not available or when that housing was substandard for what their citizens need? They were just asking that if a decision was made, that there was a come to the table conversation so that they were all on the same page. And if it was apples, let's call it apples. If they just want to move it, just move it. If it was oranges, then call it oranges. But let's not mix the two by making it appear to their citizens and to the citizens of Hickory that the board was not capable or competent to do their jobs. She thanked Council.

Mayor Guess thanked Ms. Johnson and thanked her for her volunteer service on the board. He asked if anyone else wished to speak in opposition. No one else appeared. He asked if anyone wished to speak in favor. Mr. Anthony Starr had signed up to speak in favor. He was the Executive Director of Western Piedmont Council of Governments.

PROPONENT

Mr. Anthony Starr, Executive Director Western Piedmont Council of Governments thanked Council for allowing him to join them this evening. He wanted to take a couple of moments and talk a little about the Western Piedmont Council of Governments, for those that were not familiar with their organization. They were created in 1968 by the local governments in Alexander, Burke, Caldwell and Catawba Counties to provide services to local governments and to the public on behalf of the local governments. They consisted of a team of 75 outstanding professionals, and they served, as mentioned before, the 24 municipalities and four Counties with a board that consisted of elected officials from each local government and seven appointed persons. They also had an executive committee to handle specific areas for the board. They provide a range of housing services, including the Regional Housing Authority that was mentioned. They also provide

housing rehabilitation and repairs, and down payment assistance for first time homebuyers. They fund affordable housing projects with short term loans for tax credit projects that had been constructed here in the City. They also fund nonprofits to help build affordable housing projects. They also provide a number of other services, including Senior Adult Services through their area agency on aging. Workforce development, including oversight of the NC Works Career Centers to assist folks in finding jobs and obtaining training. Community economic development included grant writing for projects exceeding several billion dollars in value. They also provided a range of community and regional planning services, including town planning, emergency management planning, transportation planning, research and data analytics, and a few other things. They were the largest Public Housing Authority in the region, and they served up to 1,537 families each month with 1,416 section 8 vouchers, or housing choice vouchers as they were also called, and 121 apartments that were publicly owned in Valdese. They leased, as mentioned, about 98% of their vouchers and that voucher distribution varies, but about 44% of those vouchers were in Catawba County, about 20% in Burke, 30% in Caldwell, and 5% in Alexander. The availability of affordable, multifamily housing units affects the distribution of the vouchers because it was up to each tenant which community they wanted to live in. They recently absorbed the Valdese Housing Authority at their request, and that transition had gone very smoothly with no problems for the tenants. They have a stable and experienced housing authority staff consisting of 14 great professionals, including Stephanie Hamby, who had served as the Director since 2013. Ms. Stephanie Hamby was present with him. Oversight was provided by their elected officials, as mentioned through the COG Policy Board. They provided monthly data and reports to the board and executive committee to be transparent and accountable to the public. As also mentioned, they followed the same financial and legal requirements for accountability that local governments must follow. They would say that merging housing authorities had been a suggested goal for a number of years as a strategy to maximize efficiencies, improve services and provide housing mobility for tenants. Mobility increases opportunities for tenants to become self-sufficient. Of course, this was up to each community, such as the City of Hickory, and they defer to them because the Council of Governments worked for the local governments.

Mr. Starr advised in this case; the City was requesting that the COG consider the transfer of the Hickory Housing Authority to their agency. Their board was poised to accept the transfer if approved by the City Council. If the transfer occurred in July of 2025, the current Hickory Housing Authority staff could apply for new positions at the COG, and they would say that they would look at each on a case-by-case basis. He commented that generally, they were looking for people with integrity, a commitment to public service and a strong work ethic. Their team would work hard to ensure that the transition goes very smooth if they approve it. And tenants should only expect positive changes and no interruptions in their services. He thought the transition with the Valdese Housing Authority proved that out. Landlords should also expect timely payments and good customer service from the COG. They have a staff person who works on recruiting new landlords. That was partly how they were successful in their higher lease rate that they have. That was above average. They worked to recruit new landlords. They have an annual landlord information meeting where they have dozens of prospective landlords come in and they give them briefings and tell them how the program works and the benefits of the program and let them know there were a lot of advantages for being a landlord with their program. That had helped make them successful. It was not easy to find landlords, but it takes work, and they had been successful in that, and they were confident that they could do that in this case as well. He was glad to answer any questions as they go along in this process. They appreciated the support that they always give the Council of Governments, and they deferred to their judgment on what they do ultimately, but they were there to assist if they felt like that was the best course of action. He thanked Council.

Mayor Guess thanked Mr. Starr. He asked if anyone else wished to speak in favor. If so, please come to the podium and state their name and address.

Ms. Revonda Lynch thanked the City Council and Mayor Guess for this opportunity. She had lived in Ridgeview all her life. Born and raised. Her entire family, her mom, her brothers, everyone went to Ridgeview with pride. She was the last one of the 6th graders that came out of Ridgeview before they closed it. Her community was built on residential homes before there was even a project considered. They placed those projects down in between homes, residential homes that were bought, built by their parents, their grandparents. They all pretty much still remained there, she and her mom, next door Janice Johnson and her husband. Her parents built and owned that home. They were beautiful homes. They were older homes, but they maintained them. They keep their grass cut; their flowers planted. They took pride. Up the street was Taft Broome. He was a Principal of Ridgeview. Across the street was Ms. Thompson's home. She was

also an educator. You come on around the street, Ms. Crutchfield, her son Harlan, he maintained a beautiful brick home. All through their community up and down the street were residential homes. Nobody was asked if they wanted projects put into their community. These projects had been there for over 50 years. She remembered as a little girl, there were only houses there. Some of them were old. And in the beginning, it served, those projects did serve their purpose. She knew plenty of people who lived there, grew, went on, got educated and got their own homes. But what was going on there now, it was entirely different. It should not be. It was like people were speaking for them. Their community had been trashed. They have drugs, drug traffic coming from a blue hotel, what they call a hotel, off of 70 every day. That was why she filed a complaint. She and her mom's home next door to the left was only like three or five feet, if that much away from a housing project. They could not even get up in peace to look out the window because of housing projects. Drug addicts, drunks. And she did not mean that to put anybody down. But it was the honest to Gods truth. They had grown men on the side of their homes urinating. She had pictures to prove it if anybody wanted to see it, because she was sick of it. They should not be enduring this. The walkway, the Historic Walkway that was built, if they look at where it stops right there at Ridgeview and on over to that blue hotel that was harboring prostitutes. Oh, yes, it was obvious. It was in plain sight. Drug addicts. Because these people were coming across Highway 70 into their neighborhoods, leaving grocery buggies. They could not even keep their community clean. These projects were not even being maintained. It was serving no purpose for anyone. She had witnessed drug overdoses two or three times a week. There were ambulances being called. She had no idea, but she found out why, because people were overdosing. Just about three weeks ago next door, her mom got up, made her morning coffee, looked out the window and was startled by a body being carried out on a gurney. They had never experienced anything like this. They did not grow up like this. They did not grow up like this. These people had been put into their community. And she did not mean that again in disregard to any human being, because they all deserve a right to have housing. But this was not the right way. Right? She travels as a healthcare professional and a few of her patients were within group homes. She compared, right now what was going on in these projects, and the Ridgeview community, they were unsupervised group homes. That was how she saw them. Some of these people were unstable. They could see it. It was obvious and probably self-medicating with drugs and alcohol. But they could not make that their responsibility any longer. Let them have their homes. She had asked them to be removed. She had asked them to be removed. They want homes just like everybody else in their community. They want plants, and trees. She wants to be able to get up in the morning with her mom and feel good about what she looks at when she looks on the outside of their window in the morning. This should not be. It should not be a question over if they were handling their affairs right, because it was obvious they were not. As she continued to do her research and further her complaint, she found out about Nu-Dimensions. And what she found out, she had no words for it, because the same person that she had no knowledge of was the Director of the Public Housing. There were documents investigative news reporting articles dated back to 2011 for the mishandling of funds, approximately \$600,000. They should not even be questioning this anymore. Here they were a decade, 13-years later. Same old issues, and it had gotten worse. Their community had been trashed. These apartments were being used for drug use and the sale of drug use. People could come through the community and tell you who was selling and where they live. It needs to stop. She had called the police, and they had responded. And their response was, there was nothing they could do. And it was obvious, but something needs to be done. The done was get rid of this. Unfortunately, people may be misplaced, but you could not keep continuing them to be responsible. This was not their responsibility. They pay taxes just like everybody else. And again, their homes were beautiful, but their community was being trashed. It was being trashed. Thank you.

Mayor Guess asked if anyone else wished to speak in favor.

Ms. Ida Clough, 1215 10th Street Boulevard NW, Hickory, she was also President of the Hickory NAACP. She was present because the NAACP had received, over a period of several years, complaints about the housing. Some of the complaints had to do with maintenance. Some of them had to do with how tenants or their guests may be behaving or misbehaving on the properties. And she, too, had heard that the police cannot do much. She also heard that the Council was limited because of the relationship between the City and the Authority, the Housing Authority, and the Nu-Dimensions. She thought the bottom line as far as the NAACP was concerned, and they had heard many of the issues, many of the things that had already been expressed, so she did not need to go through those, but because of all of those things that they had heard, they thought that it was important to try to resolve this issue to the benefit of tenants. They do not live there. She does not live there, and nobody in the NAACP had expressed to her

their direct concerns. They get information from other people coming to them, so they want to see. She commended them for the fact that there was going to be a two-week period, that there was not going to be a snap decision made tonight. But she thought they had heard from tenants, and she hoped if there were any here who had not expressed their concerns, that they do so. They need to know from the tenants. They need to know. They need more transparency. There was a lot that they do not know. Someone spoke to her earlier and said something about the situation being murky. She thought that was how it was, that was the right word to express how things were. She appealed to all of them attempting to make decisions that were going to be for the benefit of the tenants, not for hired staff, not for Directors or Managers or overseers, not even for the City. Because if everything was done to benefit the tenants, possibly they would not have some of the concerns that had been expressed about neighboring communities. She thanked them for having this hearing. Please consider the concerns and needs of the citizens, not only of Hickory, but of the tenants who live in the housing. Thank you.

Mayor Guess moved, seconded by Alderman Wood, to allow a 5-minute continuance for those who were remaining who would like to speak. The motion carried unanimously.

Ms. Daria Jackson, 133 17th Street SE, Apartment D., Hickory, NC. Section 8 was not something that you were supposed to live off of. It was a temporary thing. Section 8 was supposed to be something that just helps someone. You got people living in those same apartments, that had been there for generations. They were talking about trying to get them off of it. As long as the people that have it now were still getting their checks, they were not going to try to get them out as long as they were getting the money. She knew people that went to high school with her, and they still lived there, and their parents lived there before them. There needs to be more of a structure for it to be temporary. It was not something they were supposed to live off of.

Mayor Guess asked if anyone else wished to speak in reference to something that had not already been spoken to.

Ms. Margaret Pope, 3rd Avenue SW, advised that Revonda Lynch spoke, and she lived on 2nd Street near 8th Avenue Drive and 9th Avenue. She was 3rd Avenue right at 1st Street, two blocks over from Sunny Valley. Her concern was not so much the financing, as management. There were problems that need to be addressed. She wanted the people at Sunny Valley to be able to live there in peace, but she also wanted the rest of the community to be able to live in peace. They have those nice Habitat Homes, new families to the community who cannot live comfortably and without fear because of some of the things that were happening at Sunny Valley. She knew that there were people at Sunny Valley who were fine people, but there were other people coming in causing problems. She had heard, for example, that there was an apartment there, the person that the apartment was rented to, does not live there. Somebody else was there. She was just very concerned about management, who was going to manage the apartments to make sure that there were not problems in the community. That was what she would like to see. Her question was, if Western Piedmont Council of Governments manages the funds what was Nu-Dimension's going to do? They own the properties. She was not really sure. She did not understand the relationship between Nu-Dimensions and the Housing Authority. She did not know whether there was a conflict of interest there. Maintenance, management, that was her concern, management. She thanked Council.

Mayor Guess thanked Ms. Pope. He asked if there was anyone else that would like to speak in favor. No one else appeared. He asked if there was anyone that spoke or would like to speak in opposition that would like to rebuttal. There was five minutes available for rebuttal if necessary. He opened the floor up for anyone who would like to speak in rebuttal to what they had heard.

REBUTTAL

Reverend David E. Roberts II, Pastor of Morning Star First Baptist Church in Hickory, member of the Housing Board, executive member of the NAACP, and he would not go into the other 34 things that he was involved in within the City. He greeted Mayor Guess, Council men and women, and the City Manager. He was not going to say anything, but listening to everybody talk, he had to say something. His church was right near everything that they were talking about. They were right in the center of what was going on. A lot of the tenants come to his church every day for money, for rent, light, water, whatever. They come to his church for that. He does not care; it would just be one less board he had to be on. It would not bother him a bit. His concern was the citizens. He heard his sister. Friendship

and Morning Star were the only two churches on Interfaith Housing. They provided \$10,000 upfront money for people to get houses. That was Interfaith, that was what they do with Morning Star and Friendship. He believed in the American dream. He was also retired Navy, did 20 years in the United States Navy, and fought for this great Nation. He did not fight just for this side or that side, white or black. He fought for all the American citizens. In that, what he found was that it would be nice to build all these houses, but a lot of their tenants that were in the projects cannot afford them. He was born and raised in the projects too, in Asheville, North Carolina. He came out of the projects. The projects were not a bad thing. He got a funny feeling when people talked about the projects because he was a product of the projects. They had just as many good people, fine people that came out of the projects. There were some issues over there. His church was right there. Matter of fact, Ms. Pope was right behind his church. His church was right there in the middle of it. He sees it every day, all day. He commented that what he was trying to say was that he also was seeing outside people who had money buying dilapidated houses that some of these families they had talked about had left vacant, barren. They were buying them for \$8,000-\$9,000, and then they were selling them for \$100,000, and the people that she talked about that was born and raised there now cannot afford to live in their own community. He was a veteran, so he dealt with the veterans, helping veterans. They have the largest homeless veteran community in the State of North Carolina. They have a lot of people that need housing, but they cannot pay \$1,000, \$2,300 a month. The people that stay in housing really only pay about \$400-\$600 per month based on their salary. That was the only place that they were going to be able to live. He did not know about anybody else, but people come by his church every day to get a bag of groceries because they do not have money for food, and they do not have anywhere else to go. They have some vouchers, and they had some houses around here that they cannot afford. Matter of fact, he rents a couple houses himself. His church had a couple of houses, and they had to lower the rent instead of raising the rent so the tenants that were in there could stay in there. He did not really care whether they go with us or whether they go with them, as long as they remember every citizen in this State, in this City, every citizen in this City deserved the right to have a home. Every citizen in this City deserved the right, as Sister Pope said, to live in peace. He was on the Habitat board, too, and they were building some houses all around with Habitat to try to help the people live peacefully and in harmony, one with another. Some of this crime, the Mayor was there, they had a meeting in his church, and the police came and gave a thorough report of what was going on and how they managed that. Some of the crime was not really in housing, it was in that community, but it was not really in housing. Some of it was around the street from his church and all of those were houses. Those were not projects. Those were houses. And some of the crime was right there. He asked that they receive a thorough report, that they get a complete report, that they get an honest report before they make their decision, because he could care less again, and he was not racial. He was not about black or white, he was about humanity. And those people that live in housing, the majority of them cannot go anywhere else. They do have that one little element. It was about like him being a black man in America. According to the media he was a rapist, a murderer, a gang member, and they could shoot him in the back, and nobody would say anything. But if he went in the refrigerator and took that dog food out, they were going to have a fit. They were talking to somebody who understood the plight of what was happening in the projects, as they called them. He did not know this new lawyer. He did not know what his motive was. He did not know who done got in his head and said some stuff, but he said fine, do your research for yourself and find out what was really going on with the people who lived there who deserved the right to live as an American citizen. He did not care what Trump said. He was not going back. He was going to be in jail. He was telling them that right now. He was standing there on behalf of the people who lived over there who came to his office every day. Reverend Roberts this, Reverend Roberts that. To his fellow citizens, get all this talking up here, he had also found out that most of them in Hickory were related. They were all related. They knew their cousin, they knew their nephew, they knew whoever was doing all the crime, turn them in. Stop blaming it on housing. Do not let Pookie and Baby get away with it. Cause they were scared of snitches getting stitches. They were going to come up here and talk. They ought to be honest about everything and be real. That was the type of person that he was. They do not know him, but the rest of them did.

Mayor Guess thanked Reverend Roberts. He closed the public hearing.

Mayor Guess moved, seconded by Alderwoman Patton that Council delay the final vote related to the consideration of a Resolution to Abolish the Hickory City Public Housing Authority and transfer it to the Western Piedmont Council of Governments for a vote until October 15, 2024.

Alderman Freeman discussed the reason they were here today. Back in June, he made a public statement here at City Council, and none of these City Council members knew exactly at that moment that he was going to say what he said. What brought him here and what brought all of them here was all of the complaints, all of the things that were not being done on behalf of Hickory Public Housing. Then they started looking into it. He personally was on the phone with HUD. After speaking with HUD, he got off the phone and he told the Mayor, the City Manager, and other City staff that this structure with the Hickory Public Housing Authority and Nu-Dimension was absolutely not acceptable. And if they continued in the same rate that they were going, he called that insanity. Now, he enjoyed this process because it kind of brought him back. His undergrad degree was criminal justice on the path he wanted to be a lawyer. He wanted to do his own kind of research on a couple of things. First of all, he said to the board, to the Hickory Public Housing Authority board, he said thank you. Because they do not get paid for what they do, it was volunteer work and showed their passion. He appreciated that, and he thought those of them in the community appreciated that. But it also showed that there was a part of the board that knew stuff, and the other part may not know stuff, because it was stated that now this new information was coming up, which the pony he would ride now, which was on the high note, but believe him, he would get down to the dirt. The high note was, how was it that the sole purpose of the Hickory Public Housing Authority was to provide adequate, low-income housing and yet instill at 60%? That should be a part of the agenda of the board meeting every month, because that was their sole purpose. Does the whole board know what was going on? Absolutely not. And when they go another two weeks and come back, you know what, they keep on digging. You know what? They keep on finding dirt. So, it was an orange. Who was HUD? The United States Department of Housing and Urban Development. What was HUD's purpose? Provides funds for the provision of affordable housing through its public housing programs. Talk about HUD. In other words, he put it in its simplest form, HUD was basically who they answer to. HUD was basically the overseer. HUD was basically, in its simplest form, who they were supposed to answer to. That was HUD. Right, but let him continue. The City of Hickory Public Housing Authority was created to administer the said funds and manage all associated assets with the public housing program. HUD gives Hickory Public Housing the money. Hickory Public Housing was supposed to efficiently administer the funds so that people could have a place to stay. But still, 60%. He did not know what planet he was on, and this was not about black or white. This was about principle and moral. He was trying to figure out what planet he lived on, that if he owned a business and he gave somebody an assignment and they do not fulfill the assignment, he had to be cuckoo to allow them to continue on in the same assignment if the work was not being done. When he said this, yes, the City had grown exponentially beyond leaps and bounds, and housing was certainly what he called growing pains. So would he say, absolutely the Hickory Public Housing Authority, listen, the growth here in Hickory had outgrown. He wanted to stay on that note, but let him continue, HUD, once again, they answer to, oversight of what they were supposed to be doing. HUD encouraged the consolidation of Public Housing Authorities to provide better economic and housing mobility for program clients. The Western Piedmont Council of Governments has been designated as a Regional Public Housing Authority since January 1, 1978, he was two years old. Pursuant to 157-4, 1a authorized the City of Hickory to delegate by Resolution any powers to the Western Piedmont Council of Governments, including the transfer of its Public Housing Authority. If it was their supervisor saying you need to transfer the vouchers, and these were the people they answer to. If they recommended and they encouraged. And if it was his commentary, they were just basically saying, "we would like for you to do this". Okay. None of these City Council members knew what he was doing, because he said in June, he was his own person, and he did not like when he had these types of convictions. He was like a turtle. Everybody knows him. He was like, calm, collective, but when God gave him a conviction, his own family does not like him, so it was okay. They had been requesting for minutes. Then a board member just comes up and says, "well, I didn't know that we were requesting for all the minutes and why you don't have them". Want to know why? Because some of the board knew, and some of the board does not. But it was stated that back in June, that when the Hickory Public Housing Authority met back in June, they approved the minutes for September. Let me see if my brain could put this together, October, November, December, January, February, March, April, May, 8-months. He was thinking the way that he ran his church. If he had a meeting, his minutes were supposed to be approved the consecutive month. If he had a meeting in September, then it should have been approved in October. That meant was the board engaging on anything for those eight months. If they had records saying otherwise. Next meeting, he would apologize. Could he continue? He would, do not worry. He knew some of them might be nervous, but trust him, he would go back in his shell.

Alderwoman Patton commented they were for it, go ahead.

Mayor Guess commented that he did not have a time limit, sir.

Alderman Freeman commented that this was not a black and white issue. This was about what was right. He would not be here today if things were operating in the way that it was supposed to be operating. It was mentioned that back in 2012. Let him give the exact roundabout, \$522,000 that was already, HUD found out that Hickory Public Housing misappropriated those funds. He was not bringing up the past, but he was just going to show them something which lets them know that he was wary for his community. But he was also going to encourage his community to walk in excellence. They were not going to play the race card for them to continue on the way that they were continuing. All he was saying was as a leader and he was the only black person up here, was for them to understand that they could do better. So back in 2012, \$522,000. Let him just make a magnifying glass on it. That was over a half a million dollars misappropriated by Hickory Public Housing. However, that structure continued on, he did not even know why. But do you know? Let's deal with today. He was not going to call any names. He was not even going to tell them the name of the position. He would just give them the description of the position. This work involved responsibility for planning, developing, implementing, maintaining, evaluating, and overseeing programs designed to increase the economic self-sufficiency of low-income families and thereby reduce their need for subsidized programs and services. Operative word. Economics. Even right now, one of their staff members, which he did not know about until he started investigating and then he found out after he had been getting all the complaints, even now, a person on their staff had been brought up with felony charges, indicted. There was a difference. Indictment was not the same as conviction. Indictment meant where there was smoke, there was fire. He was telling them, when he had convictions, he was not to be messed with. Charge of felony obtaining property now. He was talking about it now. Property by false pretense for over \$22,000. And the next court date was October 21, right back where they started from. And they think that he should say they need to continue because of color. No, what he was saying, they could rise up above this and the purpose of Hickory Public Housing was to give housing to people and there was 200 plus families who could not find housing because they were not really providing for it. They talked about veterans. There were veterans out there that needs housing. But what was he going to do, put the board back in place so that another 200 people who could not get vouchers. He was sorry. He was done.

Alderman Wood commented he did not need to apologize at all.

Alderwoman Patton thanked Alderman Freeman. Everything he had said was correct. And to follow up, she went to the board meeting yesterday and it was stated that the vouchers for HOPWA which was related to AIDS was no longer going to be available. It was referenced that it was due to COVID. She found out today that that was not true, that it was in fact, they canceled their contract with the Hickory Housing and had moved it to the Western Piedmont because of lack of taking care of the vouchers. That was six of them. They were also losing a \$73,000 grant for the family's self-sufficiency because they only served three people last year. The Western Piedmont served 53. And in the three years of 2020, 2021, and 2022, Western Piedmont served over 61. There was a huge disparity in what the Western Piedmont Council of Governments had the staff and the commitment and professionalism to administer housing for the 200 families that had been left without. And it was not fair. But she did want to address Ms. Lynch, because this was only to do with vouchers, the property owner Nu-Dimensions would have to be dealt with in a separate manner. That would be Code Enforcement. In collection with all of them, ask that Code Enforcement bear down and take care of the issues and also the Police to address that. But it would be the Nu-Dimensions Board that would have to take care of the bricks and mortar units. They do not own it. It would be just like an apartment complex that was next to them. All they could do was complain to the administrator and then turn them into Code Enforcement and get the Police involved. She was committed to taking care of this voucher system and what had been going on. They could not take care of Nu-Dimensions. That would be for everyone collectively to hold them accountable. If they need the board members they were more than happy to give them all of their email addresses, every member, so that they could contact them until they take care of it. That was her say.

Alderwoman Williams thought this was a good opportunity for everybody to come together. There were things they did not hear from the community that they were unaware of in terms of not so much what was happening, but the sentiment, feeling, fears. Just really their commitment to wanting to better what was out there for everybody. She guessed she supported what had been said. They talked about apples and oranges. The apples. The part that they do have jurisdiction over seemed to be almost, well it was a no brainer. If they were really all on the same

page, to serve as many families as possible and people to provide housing, they need to utilize all of those vouchers and get people in safe homes. There was a track record to do that. They have jurisdiction over that. That seemed to be the best way to serve the most people. The second part, she thought was important to hear about what was actually happening in the bricks and mortar housing. They do not have, as Alderwoman Patton said, jurisdiction over that, but they knew who owned it and a process where whatever they have jurisdiction over, they could intervene. She thought this had been very helpful for them to discern what they could do and what the concerns were and really open it up to where they could make the most impact, to really serve everybody and provide that housing.

Alderman Wood mentioned there were several comments, be concerned about the tenants, the humanity of it. And that had been everybody's focus throughout this process. He had learned more about public housing than he ever thought he would know digging into this. He thought it was convoluted, sometimes unnecessarily so. He thought, which gave him concern between the relationship between Nu-Dimensions and Hickory Public Housing. There was concern there because he thought it was unduly, unnecessarily convoluted. The one common thing that seemed to be was management between these two organizations. He was a businessperson and poor management had consequences. And unfortunately, the tenants and the landlords were suffering from poor management here. When landlords cannot get paid, they have to pay their mortgages, and when they cannot get paid, the quality of landlords goes down, the quality of service goes down, and the tenants were the ones that were suffering. First and foremost, they had to make sure that the landlords were getting paid so that they were in a position to provide the service for the tenants and attract other tenants to fill the 200 empty ones, the vouchers that were not being used. What was happening was inexcusable. He addressed Alderman Freeman, he would admit it, when this first came before them, he was concerned about overreach of the board. He did not want to overreach on a board that was in place. But the more they dug into this, the more it became obvious that they had to do something. He was initially wrong. He judged it wrong; he would admit that. He might not share his passion or express it like he did, but he was passionate about this, and he had conviction for making this right. It was inexcusable. It was unconscionable, what was going on here. That was all he had to say.

Alderman Seaver commented that everyone deserved a safe, nice place to live. They should not be afraid to live in their home. And nowadays, with things the way they were it was almost getting to where they all were worried about that. But when you concentrate it all, put it all in one neighborhood, it was not a recipe for success. He just wanted everyone to live as safely as possible, and he wanted to make sure that what they do would help the most people live safely in their home, wherever that might be. They had to decide, and the only thing they had to look at were the numbers of what had been going on from all this information that had been forwarded to them to help them make this decision.

Alderman Wood commented following up on that Alderman Seaver, he thought the information that was not coming to them that had been requested was also an important element of all of this too. Like Attorney Swanson said, they were held to the same standards in terms of reporting and record keeping as they were. And he did not understand the delays. He had not had it explained to him, but his phone was on, and he was ready. They were ready for an explanation why they could not get what they requested.

Alderwoman Patton followed up on that. If minutes were available, they would like them and if board members had them, go ahead and send them. They would love it because they could not seem to get it from the attorney.

Alderman Freeman let the board members know, listen, it was a few, he was not saying all, but he knew one thing, bad company corrupts good character. Want to go against that, that was scripture. Keep on hanging out with bad company it could corrupt their character as well.

Alderman Zagaroli thought they need to take care of the 216 families that were out there that had not gotten housing. He thought it was a shame. He thought they need a change.

City Manager Warren Wood advised that he had seen City Council, after City Council, after City Council not address anything related to public housing. There had been some issues there with other City Councils, and that was not a criticism, they either had other priorities or just did not have the willpower to do what they needed to do. They had. There would be an opportunity in the next two weeks. If something they put up there was wrong, they would like to know about it. But they pulled the curtain back on what they had seen. Public housing was a challenging

part of local government because it was just by nature it was one of the hardest parts of government they could deal with. So, they have that, and then there was a system in place that had not been efficient. They had been making board appointments. It has almost been like mission impossible. It was not necessarily all the board members. They had been put in a tough situation with limited resources and expecting to perform at a certain level. The board members were volunteer. They do not get paid. They were doing it out of the goodness of their heart. It was the system and some of what had been going on and what they had been seeing in the results.

Mayor Guess wanted to be careful to follow his own rules and not repeat what had been said. As an elected Mayor and elected Council, he commented that everyone on the Council and everyone on staff was deeply concerned and passionate about serving all of their citizens. As they all know, housing across the board, not just public housing, but housing, was a high priority and a terrific concern, not just in the City of Hickory, but in all of their cities and municipalities. He commented that he appreciated and commended each and every one of them. He believed that everyone there had a passion for what was being discussed and that they were the active and engaged citizens because they were present, and they cared about the community. They appreciated that tremendously. He knew that he had already been said, but he wanted them to hear it from him, because he appointed the board members. He greatly appreciated the service of the board members who volunteered their time and did the best job that they possibly could with the limited resources that they have had. None of them got paid, and he had appointed each and every one of them, and he appreciated their service to this community. He thought that it had already been said that it was time for them to look at other options. And they were certainly doing that. They wanted to hear from the public. They could have very easily decided this matter on their own. They were all in agreement that although they had the authority and the power to do that, that it would not be the right thing to do. He knew all of Council, just because they had the power and authority to do something did not mean that was the direction they ought to take, and they wanted to do what the right thing was. He commended his fellow Council members and their staff for that effort. They had heard them tonight. They do not have all the information that they need, although they have a lot of information, and they had heard a lot of it tonight, they still need to gather some more information, and this two-week period should give them an opportunity to be able to do that.

Mayor Guess advised there was a motion, and a second on the table to continue this meeting until October 15 for a vote. Council members voted. The motion carried unanimously.

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

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

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

Alderman Freeman nominated Angela Hairston as an African-American 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
 At-Large (Mayor Appoints) (Dana Andreasson Resigned 9-5-2024) 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

Alderman Freeman nominated Lauren Jordan as Ward 4 Representative on the Recycling Advisory Board.

YOUTH COUNCIL

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

Youth Council Applicant Review Committee Recommends the Following Appointments:

Homeschool VACANT

Alderman Seaver 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 congratulated Assistant City Manager Yaidee Fox again for receiving the award from Centro Latino for Outstanding Latino of the Year for Catawba County. She does a wealth of things in the community. He commented that Council depends on her greatly. There was probably not a day that goes by that someone from this Council, or many of them from the Council did not lean on her for various things. They understood how it was that not only that she was nominated for this award, but how it was that she ultimately received this award because they see all that she does each and every day, and it was certainly to be commended. Once again, they wanted to recognize her and thank her for that.

Mayor Guess commented that the City Manager's birthday was yesterday, and bless his heart, he had been absolutely bombarded. He did not have to tell the audience all that was going on in the community. And in addition to that, of course, the storm and dealing with all the effects of that not just in the City of Hickory but working with other municipalities had probably been a greater chore than dealing with the Hickory stuff because we were so fortunate and blessed that we did not have a lot of the destruction that other municipalities had. But on his birthday, he doubts that he celebrated much if any at all. Obviously, they wanted to recognize that and thank him for all that he does. He did not know if he had a Happy Birthday or not.

City Manager Warren Wood commented that he asked his mom if she was sure he was born on the 30th, because he would like a do-over.

Alderman Zagaroli asked how many years this was.

City Manager Warren Wood replied 58. He looked great for 75, though.

Alderman Zagaroli commented that was the new 48.

Mayor Guess was not going to suggest that they sing Happy Birthday, but they wanted to thank him and wish him a belated Happy Birthday, and they appreciated him very much.

Alderwoman Patton commended fire, police, and public services. They had an electrical fire right around the corner. Fireman Graham Triplett, Engine 13, they literally were there waiting all night for Duke Power. They saw them that evening, she got up the next morning, had her coffee and they were still up there waiting for them. The police had done an outstanding job. Public services, it was amazing the very next day, they were out there cutting trees at the City parks and taking care of things, and they do a phenomenal job, and they appreciated it.

Alderman Wood noted that he had been contacted by people wanting to know how they could help the people in the Western North Carolina counties with food, money, whatever. Back to the topic

October 1, 2024

of efficiencies. There were charitable organizations that were in place that could leverage donations money, whether it was food, clothing, money, whatever. They could leverage that and get it to these people quicker, better, and more efficiently. He encouraged everybody that wanted to help to contact Samaritan's purse as a good example. He was not advocating any one of them but contact an established charity that has the efficiencies to do that well. It helps them, it helps the people in Western North Carolina because they were not on the roads interfering with emergency services, those types of things. He politely asked the media, the HDR, if they could put something in the paper along those lines, maybe talking about some established charities that could be contacted for the citizens who wanted to donate.

Alderwoman Williams thought locally, they had been asked to funnel all of this through the United Way, the Catawba County United Way.

Alderman Seaver advised and the Red Cross.

Alderwoman Williams advised they were working in conjunction with the Red Cross, so that way it was easier to disperse. They have the resources to get it out.

City Manager Warren Wood thanked all the folks that worked during the storm. He sent an email out to staff telling everybody that they ought to be proud. Just coming to work those couple of days was something they all should be proud of, let alone the work that was done out in the field during the worst of it. Public Works Director Steve Miller said there were 88 trees down in roadways. They had 68 cleared so far. The 20 that were left had Duke power lines wrapped up in them. They could not touch them until Duke took care of their lines, so they were getting there. He still did not have power. Steve Miller, his guys, the rest of the police, fire, airport, everybody else, water and sewer folks, great job.

XIV. There being no further business, the meeting adjourned at 7:56 p.m.

Mayor

City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Mike Kirby, Senior Planner

Date: October 3rd, 2024

Re: Voluntary non-contiguous annexation of property owned by Country Club Towns, LLC

REQUEST

Call for public hearing to be held Nov 5th, 2024, for the consideration of the voluntary non-contiguous annexation of 29.58 acres property located at the intersection of Sandy Ford Road and Robinson Road. This property is identified as PIN: 371016836918, 371016845483, 371016749736.

BACKGROUND

The property is currently semi-vacant and located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, at a maximum density of 2 dwelling units per acre.

ANALYSIS

If annexed, the property owners have requested the property be zoned Medium Density Residential R-2, with their further intentions being the construction of 75 single-family homes. This would equate to a density of approximately 2.5 dwelling units per acre.

Surrounding properties are zoned Catawba County R-20 Residential and are occupied by detached single-family residences.

The current tax value of the properties is \$231,200. If annexed, the semi-vacant property would generate \$1,051.00 in additional tax revenues.

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

RECOMMENDATION

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

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier 10/03/2024
Initiating Department Head Date

Rodney Miller 10/7/24
Asst. City Manager, R. Miller Date

Kari Dunlap 10/7/24
Finance Officer, K. Dunlap Date

Yaidee Fox 10/7/24
Asst. City Manager Yaidee Fox Date

City Attorney, Tim Swanson _____
Date

Paul Beasley 10/7/24
Asst. City Manager, R. Beasley Date

Cameron McHargue 10-9-24
Deputy Finance Officer, Date
Cameron McHargue

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

Warren Wood
City Manager, Warren Wood

10.7.24
Date

VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS

APPLICANT: Country Club Towns, LLC

AGENT: Country Club Towns, LLC

PROPERTY LOCATION: At the intersection of Sandy Ford Road and Robinson Road

PIN: 371016836918, 371016845483, 371016749736

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

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

ACREAGE: 29.58 acres

DEVELOPMENT POTENTIAL: The property is currently located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes at a density of 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Medium Density Residential R-2, with their further intentions being the construction of 75 residential units consisting of single family detached dwellings. This would equate to a density of 2.5 dwelling units per acre.

TAX VALUE: The current tax value of the properties is \$231,200. If annexed, the vacant property would generate \$1,051.00 in additional tax revenues.

POPULATION INCREASES: The property is currently semi-vacant. The owners/developers have expressed their intentions to construct 75 residential units consisting of single-family dwellings. If this development were to be fully constructed, 169 additional residents could potentially be added to the City's current population. This estimate is based upon the U.S. Census Bureau's current residential household size estimate for single-family dwellings in the city, which is 2.35 persons per household.

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

School Type	School District	Student Multiplier Per Dwelling	Number of Potential or Existing Dwelling Units	Potential Additional Students
Elementary	Blackburn	0.47	75	35
Middle	Jacobs Fork	0.08	75	6
High	Fred T. Foard	0.13	75	10

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

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

- **North**: The properties to the north are occupied by single family residential
- **South**: The properties to the south are single family residences.
- **East**: The properties to the east are occupied by single-family residences.
- **West**: The properties to the west are occupied by single-family residences.

UTILITY SERVICE: Water and sewer are available to serve the property.

ACCESS: Access to the subject property is from Sandy Ford Road (SR 1143) and Robinson Road (SR 1146), which is maintained by the North Carolina Department of Transportation.

DISTANCE FROM CITY LIMITS (See Map 1): The property is approximately 5,300 linear feet southwest of the closest contiguous portion of the proper city boundary.

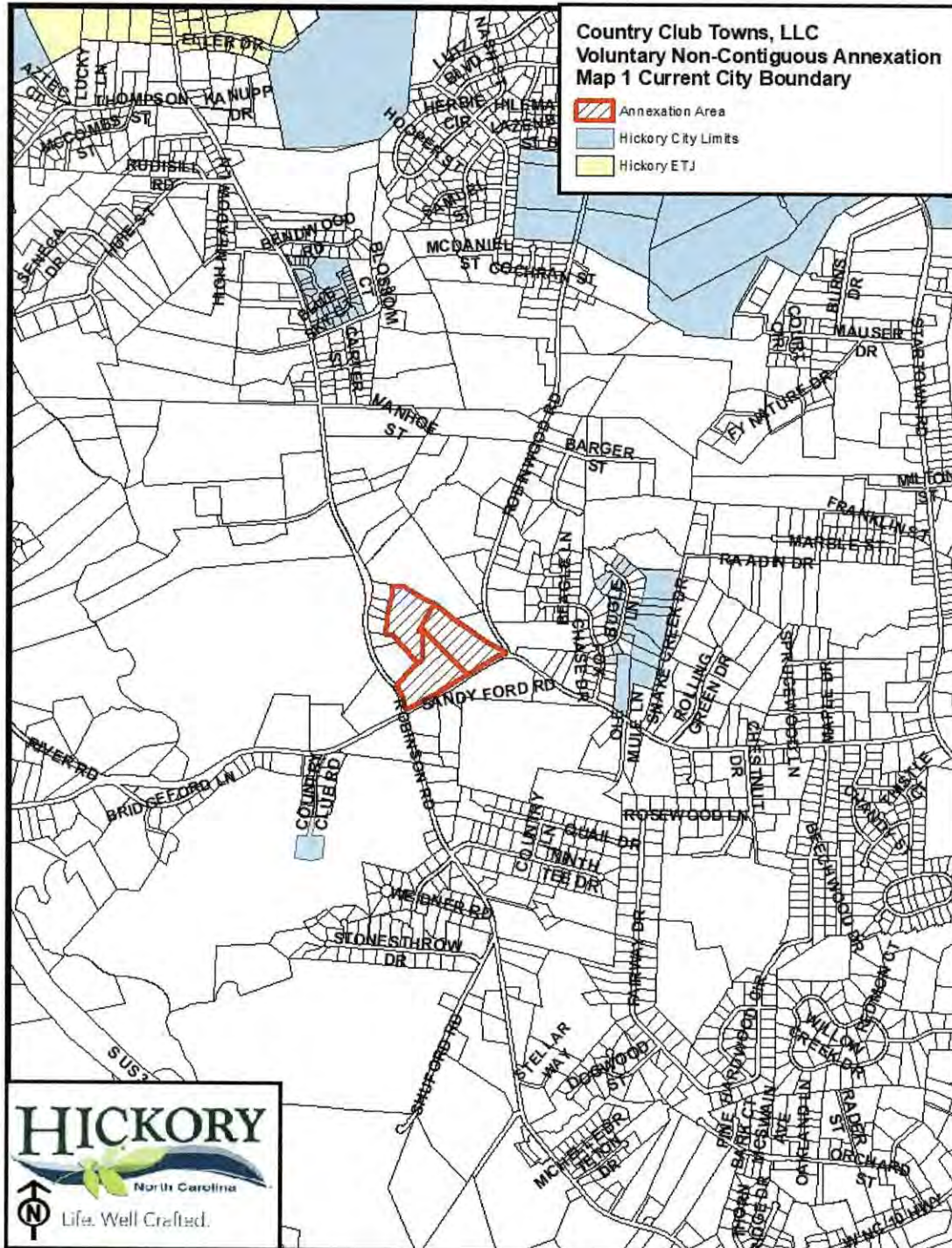
STAFF COMMENTS:

- **Fire**: Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 5's response area.
- **Police Department**: Annexation would not adversely affect the police department. The property, upon annexation, would be in Charles PACT.
- **Engineering**: No objections.
- **Planning**: No objections.
- **Public Services**: No objections.
- **Public Utilities**: The City of Hickory Public Utilities has water service available on Robinson Rd, Sandy Ford Rd, and Robinwood Rd. There is a sewer main running to the north along Muddy Creek. The developer will be responsible for obtaining any necessary easements to serve the property. All water and sewer extensions to serve the proposed development are the responsibility of the developer.
- **Legal**: No objections.
- **City Manager's Office**: No objections.

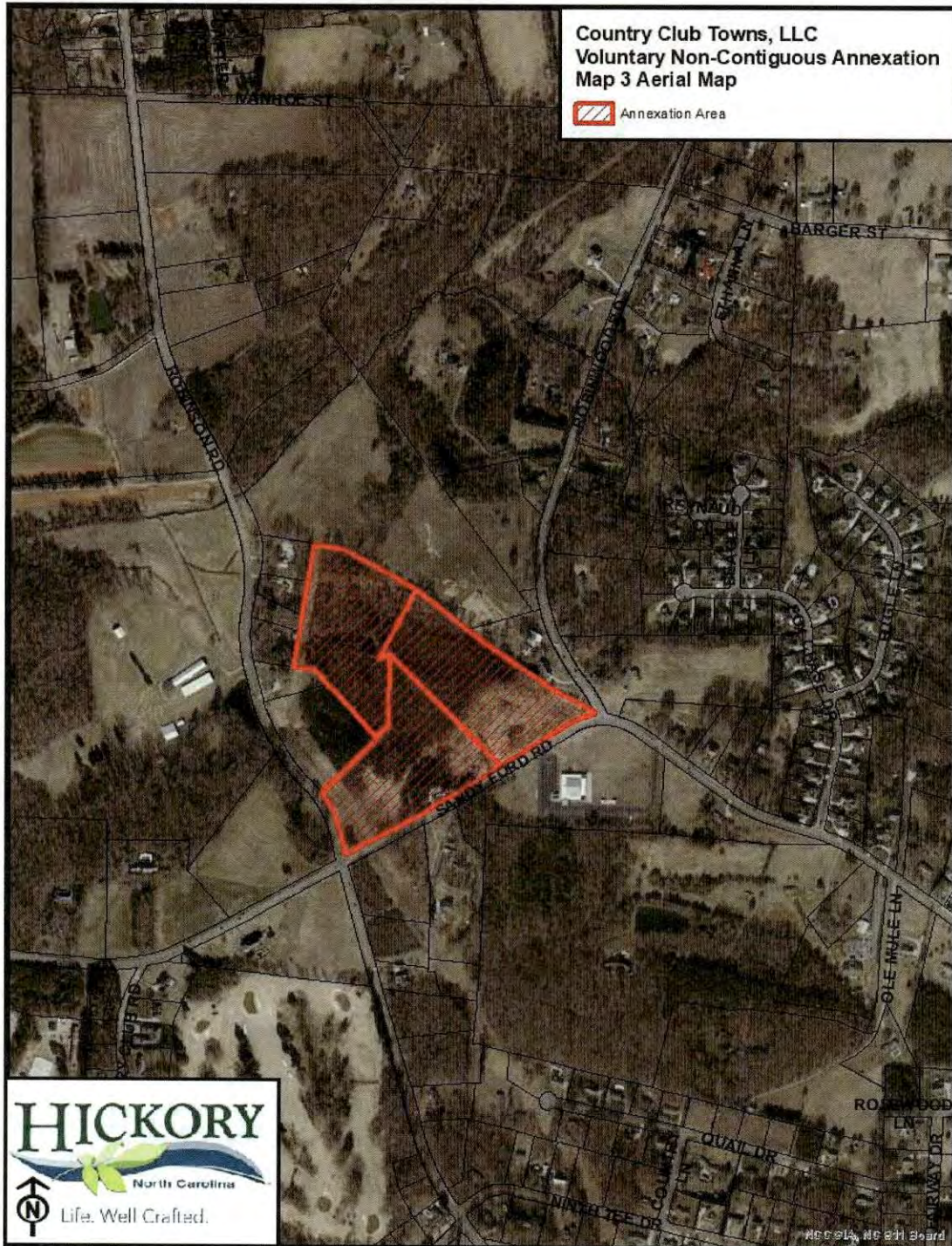
STAFF RECOMMENDATION: Upon evaluation staff has found the following:

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

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







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

WHEREAS, a petition from Country Club Towns, LLC requesting annexation of an area described in a petition was received on September 23, 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 Country Club Towns, LLC, located at the intersection of Sandy Ford Road and Robinson Road, Newton, containing 29.58-acres more or less, and identified as PINs 371016836918, 371016845483, and 371016749736.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 23rd day of September 2024.

Debbie D. Miller

Debbie D. Miller, City Clerk



**CITY OF HICKORY
APPLICATION FOR REZONING (NON PD OR CZ)**

DATE SUBMITTED: 9-3-2024

TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I (We), the undersigned, do hereby respectfully make application and petition to amend the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on Sandy Ford Road
between Robinson Road and Robinwood Road.

PIN NO. (S): 371016836918, 371016845483 & 371016749736

Physical (Street) Address: 3166 Sandy Ford Road

2. The property is owned by: (please print) Country Club Towns, 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: Country Club Towns, LLC - Attn: Keith Lee Hawthorne (Member)

Address: 11220 Elm Street, Suite 107, Charlotte, NC 28277

Phone Number: 803-381-5921

Email Address: joe@greybrookhomes.com

3. The petition is submitted by: Country Club Towns, LLC

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information: (N/A - Applicant is Owner)

Name: _____

Address: _____

Phone Number: _____

- 4. It is desired and requested that the foregoing property be REZONED:
FROM: R-20 (Catawba County) TO: R-2 (City of Hickory)
- 5. Please list the current use(s) of the property: Single Residence (Mostly Vacant)

5. OWNER'S AFFIDAVIT

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

Country Club Towns, LLC
Keith Lee Hawthorne - Member
Printed Name of Owner

[Handwritten Signature]
Signature of Owner

(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

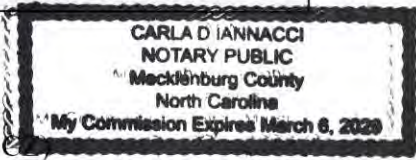
State of North Carolina – County of Mecklenburg

I, the undersigned Notary Public of the County and State aforesaid, certify that Keith Lee Hawthorne personally came before me this day and acknowledged the he / she is the Member of Country Club Towns 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 30th day of August, 2024.

My Commission Expires: 3/6/2029

[Handwritten Signature: Carla D. Iannacci]
Notary Public

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.



DESCRIPTION OF PROPERTY FOR ANNEXATION

ALL THAT CERTAIN PIECE, PARCEL, OR LOT OF LAND LYING AND SITUATE IN THE NEWTON TOWNSHIP, CATAWBA COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NGS MONUMENT "COCHRAN", SAID MONUMENT HAVING NC GRID COORDINATES OF NORTHING = 597,698.95' AND EASTING = 1,450,482.55'; THENCE S27°33'44"W FOR A DISTANCE OF 5,409.83' TO A FOUND #5 REBAR, SAID REBAR BEING THE NORTHWEST PROPERTY CORNER OF THE COUNTRY CLUB TOWN, LLC PROPERTY (DB 3852 PG 1571), SAID IRON BEING THE POINT OF BEGINNING (POB);

THENCE FROM THE POB S78°37'06"E FOR A DISTANCE OF 185.01' TO A FOUND 5/8" ROD; THENCE S63°44'11"E FOR A DISTANCE OF 439.99' TO A FOUND #5 REBAR; THENCE S50°10'58"E FOR A DISTANCE OF 345.58' TO A FOUND #5 REBAR; THENCE S50°11'48"E FOR A DISTANCE OF 70.27' TO A FOUND #5 REBAR; THENCE S55°12'54"E FOR A DISTANCE OF 499.83' TO A FOUND ½" PIPE; THENCE S62°28'01"E FOR A DISTANCE OF 210.09' TO A FOUND 3/8" ROD; THENCE S62°28'01"E FOR A DISTANCE OF 138.22' TO A POINT IN THE CENTERLINE OF SANDY FORD ROAD; THENCE ALONG THE CENTERLINE OF SANDY FORD ROAD THE FOLLOWING 20 CALLS: 1) S78°28'03"E FOR A DISTANCE OF 10.03' TO A POINT; 2) S89°28'42"W FOR A DISTANCE OF 33.61' TO A FOUND NAIL; 3) S83°18'11"W FOR A DISTANCE OF 51.26' TO A POINT; 4) S74°08'39"W FOR A DISTANCE OF 50.49' TO A POINT; 5) S66°42'02"W FOR A DISTANCE OF 52.98' TO A POINT; 6) S62°22'40"W FOR A DISTANCE OF 52.31' TO A POINT; 7) S59°13'25"W FOR A DISTANCE OF 51.82' TO A POINT; 8) S58°13'34"W FOR A DISTANCE OF 51.76' TO A POINT; 9) S57°47'35"W FOR A DISTANCE OF 48.63' TO A POINT; 10) S57°54'12"W FOR A DISTANCE OF 41.58' TO A POINT; 11) S57°53'13"W FOR A DISTANCE OF 53.27' TO A POINT; 12) S58°02'29"W FOR A DISTANCE OF 52.35' TO A POINT; 13) S57°59'53"W FOR A DISTANCE OF 50.73' TO A POINT; 14) S58°09'07"W FOR A DISTANCE OF 51.08' TO A POINT; 15) S58°09'03"W FOR A DISTANCE OF 152.04' TO A POINT; 16) S58°06'29"W FOR A DISTANCE OF 198.54' TO A POINT; 17) S59°50'36"W FOR A DISTANCE OF 145.73' TO A POINT; 18) S61°33'48"W FOR A DISTANCE OF 201.52' TO A POINT; 19) S61°41'59"W FOR A DISTANCE OF 155.55' TO A POINT; 20) S61°36'19"W FOR A DISTANCE OF 161.75' TO A POINT IN THE INTERSECTION OF ROBINSON ROAD; THENCE ALONG THE CENTERLINE OF ROBINSON ROAD THE FOLLOWING 3 CALLS: 1) N14°16'53"W FOR A DISTANCE OF 117.35' TO A POINT; 2) N15°16'30"W FOR A DISTANCE OF 102.23' TO A POINT; 3) WITH A CURVE TO THE LEFT HAVING A RADIUS OF 416.28' AND A LENGTH OF 158.54', SAID CURVE HAVING A CHORD BEARING OF N26°37'34"W FOR A DISTANCE OF 157.59' TO A POINT; THENCE N26°09'32"W FOR A DISTANCE OF 31.13' TO A POINT IN THE ROAD; THENCE LEAVING SAID ROAD N49°25'57"E FOR A DISTANCE OF 462.53' TO A FOUND #5 REBAR; THENCE N43°23'18"W FOR A DISTANCE OF 399.49' TO A FOUND 1 ¼" PIPE; THENCE N39°39'42"W FOR A DISTANCE OF 105.34' TO A FOUND STONE; THENCE N83°09'27"W FOR A DISTANCE OF 124.73' TO A FOUND #5 REBAR; THENCE N08°24'32"E FOR A DISTANCE OF 194.68' TO A FOUND ¾" PIPE; THENCE N08°13'55"E FOR A DISTANCE OF 81.93' TO A FOUND ¾" PINCHED PIPE; THENCE N08°20'52"E FOR A DISTANCE OF 180.91' TO A FOUND ¾" PIPE; THENCE N08°17'52"E FOR A DISTANCE OF 206.71' TO THE POB AND CONTAINING 30.861 ACRES, MORE OR LESS.



LIMITED LIABILITY COMPANY ANNUAL REPORT

Exhibit VIII.A.

1/6/2022
NAME OF LIMITED LIABILITY COMPANY: Country Club Towns, LLC

SECRETARY OF STATE ID NUMBER: 2701671 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only	
E - Filed Annual Report	
2701671	
CA202407205038	
3/12/2024 02:50	
<input type="checkbox"/>	Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Hawthorne, Keith L

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

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY	4. REGISTERED AGENT OFFICE MAILING ADDRESS
<u>11220 Elm Lane, Suite 107</u>	<u>11220 Elm Lane, Suite 107</u>
<u>Charlotte, NC 28277-0716 Mecklenburg County</u>	<u>Charlotte, NC 28277-0716</u>

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (704) 494-7211 x 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS	5. PRINCIPAL OFFICE MAILING ADDRESS
<u>11220 Elm Ln, Suite 107</u>	<u>11220 Elm Ln, Suite 107</u>
<u>Charlotte, NC 28277</u>	<u>Charlotte, NC 28277</u>

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

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

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

NAME: <u>Keith Lee Hawthorne</u>	NAME: _____	NAME: _____
TITLE: <u>Member</u>	TITLE: _____	TITLE: _____
ADDRESS: <u>11220 Elm Ln</u>	ADDRESS: _____	ADDRESS: _____
<u>Suite 107</u>		
<u>Charlotte, NC 28277</u>		

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

<u>Keith Lee Hawthorne</u>	<u>3/12/2024</u>
SIGNATURE	DATE

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

<u>Keith Lee Hawthorne</u>	<u>Member</u>
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 Jan 29, 2024
AT 12:25:00 PM
BOOK 03852
START PAGE 1571
END PAGE 1574
INSTRUMENT # 01530
EXCISE TAX \$0.00

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$ 0.00

Parcel Identifier No. 31144, 31145, & 31148

Mail/Box to: Sandra L. Knox, PC 19410 Jetton Rd. Suite 130, Cornelius, NC 28031

This instrument was prepared by: Sandra L. Knox, PC 19410 Jetton Rd. Suite 130, Cornelius, NC 28031

Brief description for the Index: Three tracts, Sandy Ford Road

THIS DEED made this 26th day of January, 2024, by and between

GRANTOR	GRANTEE
Morrowinvestmentgroup, LLC, a North Carolina limited liability company	Country Club Towns, LLC, a North Carolina limited liability company
435 South Tryon Street Unit 901 Charlotte, NC 28202	11220 Elm Street, Suite 107 Charlotte, NC 28277-0716

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

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

SEE EXHIBIT A ATTACHED HERETO.

This conveyance is for a business purpose and no consideration is being paid at the time of conveyance therefore no revenue stamps are due.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3805 page 443.

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

submitted electronically by "Sandra L. Knox P.C."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Catawba County Register of Deeds.

3852 1572

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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

This conveyance is SUBJECT TO all valid and continuing restrictions, conditions, reservations, easements and other matters of record which encumber the Property and are listed on EXHIBIT B attached hereto and made a part hereof and is subject to ad valorem taxes for the current and subsequent years.

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

Morrowinvestmentgroup, LLC

(Entity Name)

Dale E. Morrow

By: Dale E. Morrow, Managing Member

State of North Carolina - County of Iredell

I, the undersigned Notary Public of the County of Iredell and State aforesaid, certify that Dale E. Morrow personally came before me this day and acknowledged that he is the Managing Member of Morrowinvestmentgroup, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 26th day of January, 2024.

My Commission Expires: 11/11/2027
(Affix Seal)

Susan T. Brown
Susan T. Brown Notary Public
Notary's Printed or Typed Name

SUSAN T BROWN
NOTARY PUBLIC
IREDELL COUNTY, NC
My Commission Expires 11/11/2027

3852 1573

EXHIBIT A
LEGAL DESCRIPTION

TRACT I: BEGINNING on a stone, Huffman's corner, and runs North 38 1/4 deg. West 787 feet to a stone, Abel Robinson's corner; thence North 62 1/2 deg. West 380 feet to a stake; thence North 55 1/4 deg. West 500 feet to a stake; thence North 54 1/2 deg. West 427 feet to a pine tree; thence South 30 deg. West 447 feet to a walnut tree; thence North 73 1/2 deg. East 84.5 feet to a stone; thence crossing a spring, South 3/4 deg. West 397 feet to a stone; thence South 45 1/2 deg. West 539 feet to a stake or stone on an old line; thence South 31 3/4 deg. East 23 feet to a stake; thence South 15 deg. East 350 feet to a stone; thence South 65 1/2 West 395 feet to a stake; thence North 82 3/4 deg. West 275 feet to a stake; thence North 75 1/2 deg. West 183 feet to a stone, Self's and Eliza Lutz' corner; thence South 5 deg. West 495 feet to an iron stake in Robinson's line; thence along said line South 83 3/4 deg. East 1640 feet to a dogwood in a swamp; thence North 3 deg. East 968 feet to a stake, Walter Hawn's corner; thence South 87 deg. East 1188 feet to the BEGINNING, containing 59.8 acres, more or less, being Lot No. 8 allotted to Mrs. Baker in the division of the J.B. Lutz land (Mrs. Baker above mentioned being Mrs. Ida J. Baker).

From the above described property is excepted 2.96 acres, more or less, which was conveyed to Wilfred L. Sigmon and wife, Merle C. Sigmon, by deed dated October 4, 1966, and recorded in Catawba County Registry, and the 10.579 acres tract conveyed out in Deed Book 1645, Page 829, Catawba County Registry. Also excepted are those portions conveyed to others on the south side of Sandy Ford Road and the west side of Robinson Road.

Parcel: 0031145
PIN: 371016836918
Property address: 3166 Sandy Ford Road, Newton, NC 28658

TRACT II: Beginning at a P.K. nail in the centerline of S.R. 1143 approximately 1000 feet from the intersection of said road with S.R. 1146 and proceeding thence North 43 degrees 43' 50" West 882.20 feet to stone corner; thence South 66 degrees 29'33" West 79.41 feet to an iron pin; thence North 29 degrees 55'08" East 442.19 feet to a large stone in the southwestern line of Buford A. Waters; thence with Waters' southwestern line South 50 degrees 08'11" East 418.70 feet to an iron pin, South 55 degrees 11'57" East 500.00 feet to an iron pin, and South 62 degrees 26'57" East 347.32 feet to an iron pin in the center of S.R. 1143; thence with the centerline of S.R. 1143 a circular curve to the left, said curve having a radius of 243.34 feet, a chord bearing of South 87 degrees 27'23" West, and a chord distance of 75.98 feet to an iron pin; thence continuing with the centerline of S.R. 1143 another circular curve to the left, said curve having a radius of 564.30 feet, a chord bearing of South 68 degrees 15'18" West, and a chord distance of 200.24 feet to a P.K. nail; thence continuing with the centerline of S.R. 1143 South 58 degrees 02'08" West 372.35 feet to the Beginning, containing approximately 10.579 acres, according to a survey by Donald S. Miller, R.L.S., dated October 16, 1969.

Parcel: 0031148
PIN: 371016845483
Property Address: 3136 Sandy Ford Rd, Newton, NC 28658

TRACT III: BEGINNING at a pine tree, corner of Harry Baker, on the line of Paul Deitz; and running thence with the Deitz line (formerly J H Aker property) North 63.75 deg. West 440 feet to a sycamore; thence North 81.75 deg. West 164 feet to a pine; thence continuing the same course, 20 feet to a stake, a new corner; thence a new line South 8 deg. 20 min. West 664.3 feet to a stake on the line of WA Frye; thence with Frye's line South 83 deg. East 124.6 feet to a stake, Frye's corner; thence with another of Frye's lines South 42 deg. 40 min. 504.5 feet to a stone on the line of Harry Baker; thence with Baker's line as follows: North 45.5 deg. East 78 feet to a stone; North 0.75 deg. East 397 feet, passing a spring, to a stone; thence South 73.5 deg East 84.5 feet to a Walnut; thence North 30 deg. East 447 feet to a pine tree, the Beginning corner, containing 9.2 acres, more or less.

Parcel: 0031144
PIN: 371016749736
Property address: Sandy Ford Road, Newton, NC 28658

EXHIBIT B
EXCEPTIONS

1. Covenants, conditions and restrictions of record.
2. Ad valorem real property taxes not yet due and payable.
3. Any and all matters that would be disclosed by a current and accurate survey.

WEB

RESOLUTION 24-____
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on November 5, 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 Country Club Towns, LLC, located at the intersection of Sandy Ford Road and Robinson Road, Newton, containing 29.58-acres more or less, and identified as PINs 371016836918, 371016845483, and 371016749736.

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

Hank Guess
Mayor

Warren Wood, City Manager

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



Navi Dunlap
City of Hickory
Finance Officer

RESOLUTION NO. 24-___

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

WHEREAS, Country Club Towns, LLC is the owner of certain real property as described herein, which property is located at the intersection of Sandy Ford Road and Robinson Road, Newton, containing 29.58-acres more or less, and identified as PINs 371016836918, 371016845483, and 371016749736.

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 15th day of October 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 November 5, 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 Country Club Towns, LLC, Voluntary Non-Contiguous Annexation Map 1, Current City Boundary, subject property outlined in red; Country Club Towns, LLC, Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Country Club Towns, LLC, Voluntary Non-Contiguous Annexation Map 3 Aerial Map subject property outlined in red.

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

Done this 15th day of October 2024.

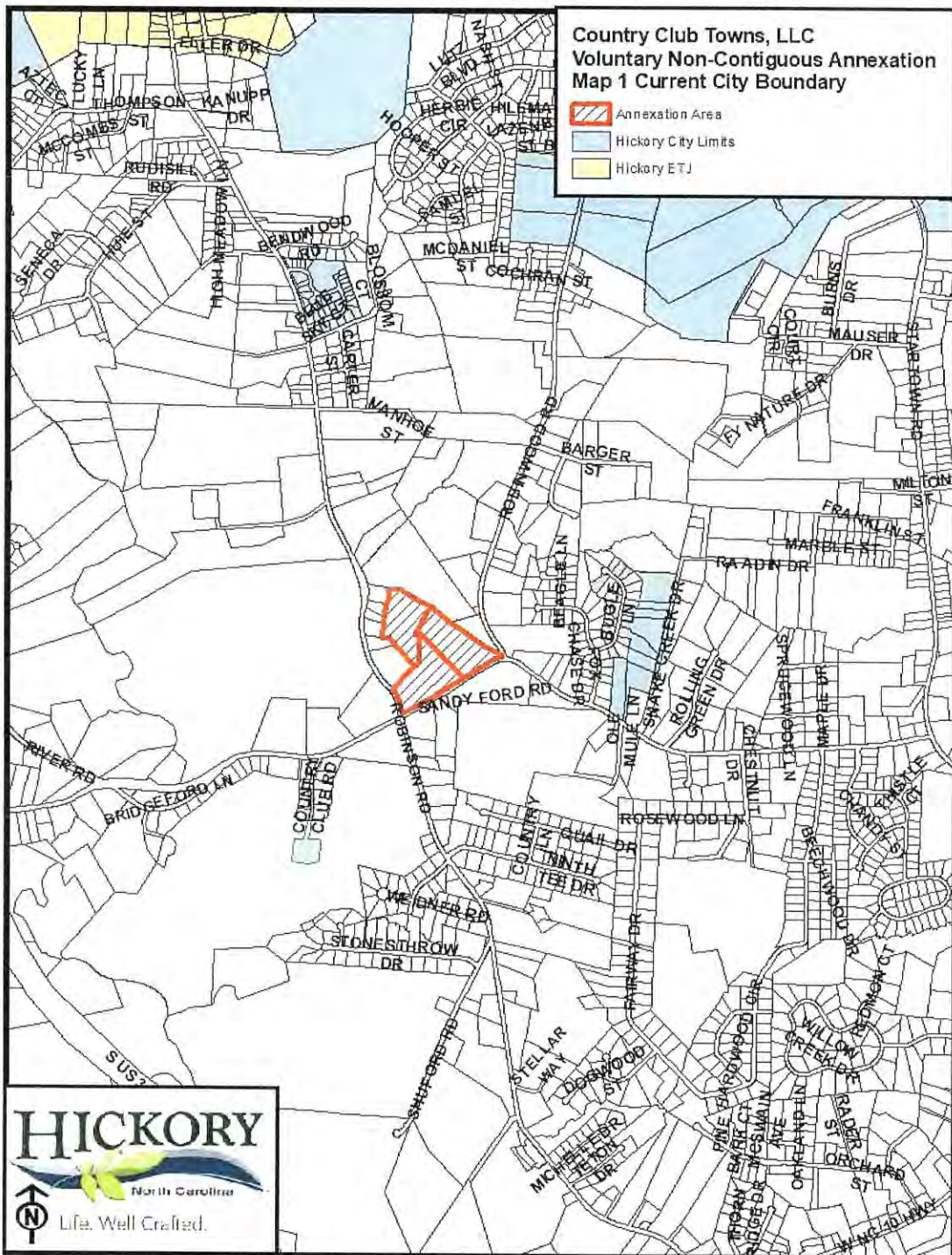
(SEAL)

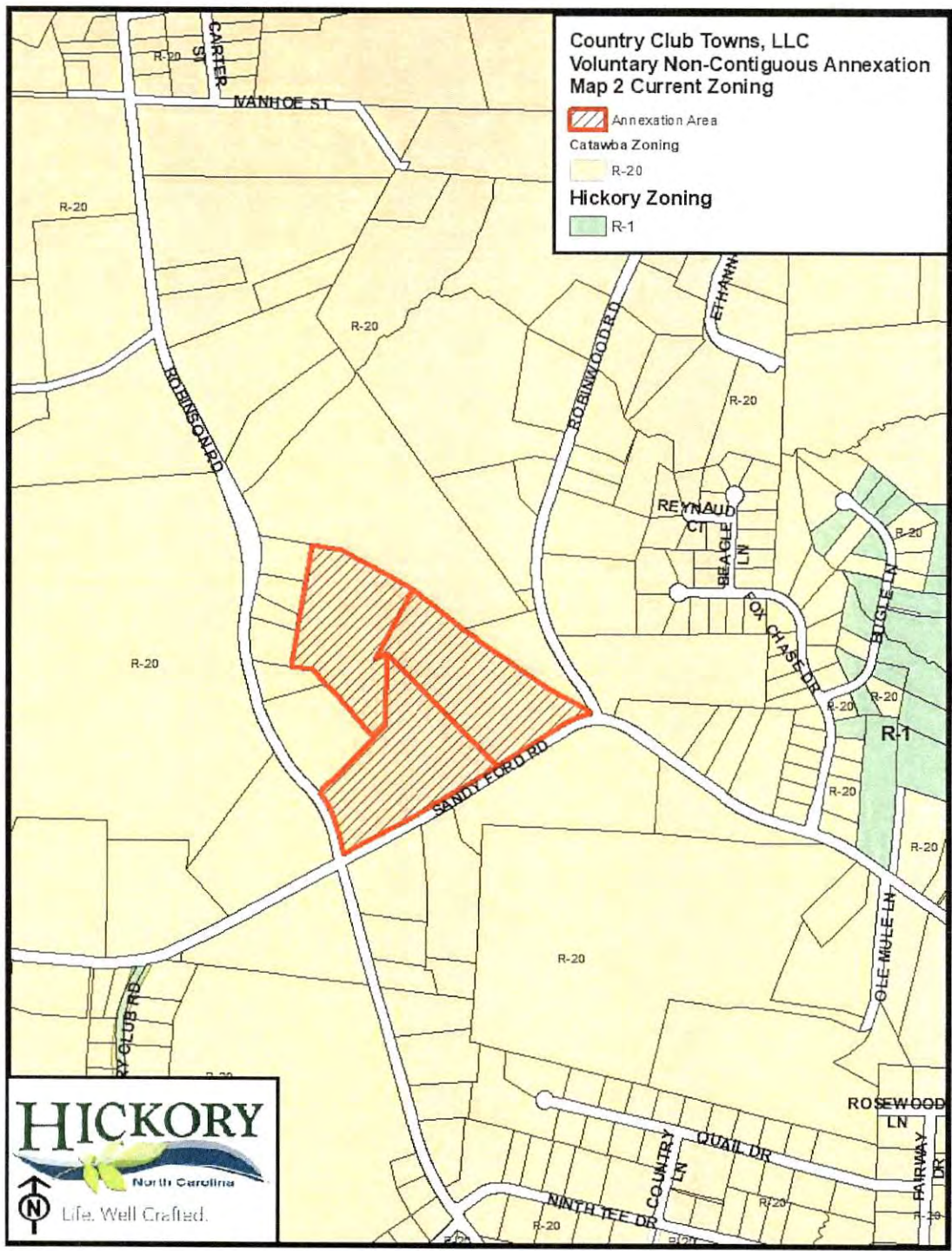
THE CITY OF HICKORY, A
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk







2

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Community Appearance Commission
Contact Person: Wilson Elliott, Planning Department
Date: September 24, 2024
Re: Community Appearance Grant –Scott Corby

REQUEST

The Community Appearance Commission recommends City Council approval of a Community Appearance Grant for non-residential property owned by Scott Corby and occupied by a commercial building, located at 123 13th St SW in the amount of \$7,500.00.

BACKGROUND

City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500.00.

ANALYSIS

The grant proposal involves the replacement of the building's awnings and stone work the entrance steps, window replacement, and improvements to an entrance door. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant.

The applicant has provided two (2) estimates for the work listed above, the lowest estimates for the work totals \$15,200.00. If the Commission moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500.00 grant.

The subject property's current tax value is assessed at \$89,800.00. The requested grant amounts to 8% of the property's tax value.

RECOMMENDATION

The application was reviewed by the Community Appearance Commission. After consideration the Commission scored the application at 24 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, the Commission unanimously recommends funding of the grant application in the amount of \$7,500.00.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier
Initiating Department Head

9/24/2024
Date

Yaidee Fox
Asst. City Manager, Yaidee Fox

10/7/24
Date

Rodney Miller
Asst. City Manager, R. Miller

10/7/24
Date

R. Beasley
Asst. City Manager R. Beasley

10/7/24
Date

K. Dunlap
Finance Officer, K. Dunlap

10/7/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

10-9-24
Date

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

W. Wood
City Manager, W. Wood

10.7.24
Date

PREPARED BY: Legal Department, City of Hickory
PO Box 398, Hickory, NC 28603

STATE OF NORTH CAROLINA

**COMMUNITY APPEARANCE
GRANT AGREEMENT**

COUNTY OF CATAWBA

THIS AGREEMENT, made and entered into this _____ day of _____, 2024, by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **Scott Corby**, referred to as the RECIPIENT, and having a mailing address of 123 13th St SW, Hickory, NC 28601.

WITNESSETH

THAT WHEREAS, the City is dedicated to the visual and functional improvements of properties within its Urban Revitalization Area (URA); and

WHEREAS, the City is willing to award grants for physical improvements for the purpose of assisting in the visual enhancement of certain existing properties provided the Recipient agrees to certain conditions.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained the parties agree as follows:

1. The Recipient agrees to utilize the grant funds to fulfill that project described in the Community Appearance Grant standards and to utilize said funds solely for physical improvements. Said application is made a part of this Agreement and incorporated herein by reference as if more fully set forth.
2. The Recipient agrees to improve those premises in accordance with the City Community Appearance Grant program.
3. The Recipient agrees to maintain the design integrity of the proposed improvements, creating, retaining and/or modifying those elements which enhance the premises.
4. The Recipient agrees to abide by and conform all construction, rehabilitation, renovation, demolition, and landscaping undertaken pursuant to this agreement to all applicable laws of the United States, the State of North Carolina, and those applicable provisions of the ordinances of the City of Hickory directly or indirectly related to the subject matter of this agreement.
5. The amount of this grant is Seven Thousand Five Hundred Dollars and 00/100 (\$7,500.00), payable upon completion of said project, and submission of documentation confirming payment of all contractors and/or subcontractors, provided said project is completed within 120 days from the date of this agreement being signed in accordance

with those provisions specified in the Downtown Appearance Improvement Incentive Grant Application.

- 6. The Recipient agrees that in the event the actual project costs are less than the estimated costs, the City grant will be reduced to solely the amount of the actual project costs that would be eligible for participation in this program.
- 7. Technical assistance provided by the City will be advisory only. The City will not be a party in negotiations between the Recipient and any contractor employed by the Recipient nor will the City provide legal advice or services to any party. The Recipient agrees to hold the City harmless for any defects in workmanship or from any liability, damages, or other costs relative to this project.
- 8. This Agreement may be terminated, and the City may withhold grant monies upon the Recipient's breach of or failure to perform any of the terms of this agreement. The City shall give the Recipient notice in writing of any potential breach of this Agreement, after which the applicant shall have ten (10) calendar days in which to cure said breach. In the event of a failure to cure a breach of this Agreement, the City of Hickory may pursue any remedy available, either in equity or at law.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed upon the day and year first written above.

CITY OF HICKORY
A North Carolina Municipal Corporation

By: _____
Hank Guess, Mayor

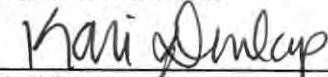
ATTEST: (SEAL)

Debbie D. Miller, City Clerk

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

Attorney for the City of Hickory

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



Kari Dunlap, Finance Officer



Scott Corby

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, _____ a Notary Public of said county and state, certify that **Debbie D. Miller** personally came before me this day and acknowledged that she is City Clerk of the City of Hickory, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Hickory, the foregoing instrument was signed in its name and by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

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

(Seal) _____ Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Isaac Matthews a Notary Public of the County and State aforesaid certify that **Scott Corby**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 12 day of September, 2024.



(Seal) _____ Notary Public

My Commission Expires: 10/27/28



Life. Well Crafted.

Office of Business Development

MEMORANDUM

To: Hickory City Council

From: Community Appearance Commission

Re: Scott Corby Community Appearance Grant

Scott Corby has applied for a Community Appearance Grant. The proposal involves improvements to a commercial building located at 123 13th St SW.

The grant proposal involves the replacement of the building's awnings and stone work the entrance steps, window replacement, and improvements to an entrance door. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant.

The applicant has provided two (2) estimates for the work listed above, the lowest estimates for the work totals \$15,200.00. If the Commission moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500.00 grant.

The subject property's current tax value is assessed at \$89,800.00. The requested grant amounts to 8% of the property's tax value.

Please refer to the attached materials for complete information.

Scott Corby Community Appearance Grant

 123 13th St SW



Appearance Grant Application Form

Project Location Address: 123 13th ST SW

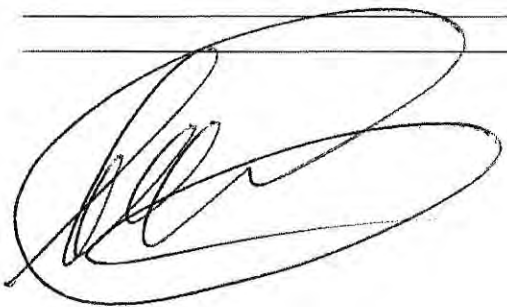
Applicant's Name: SCOTT M CORBY

Applicant's Mailing Address: 6233 RIVIERA RUN ESTATES DR
Hickory NC 28601

Telephone: Day: 828441 2271 Mobile: 704 - 880 0764

E-mail address: approved @ Mrs L. Biz

Project Description: Remove DETERIORATED BLEACH
Siding Replace MODERN MATERIAL
ALL OUT TRIM AND PUT NEW
GUTTERS. Now LOOK OLD DITCH
AND TRIM ROTTEN IN AREAS.



Total Estimated Project Cost \$ 15,100
Grant Request Amount \$ 7,560.00

City of Hickory Appearance Grant Application Packet

The Community Appearance Grant program is financed by the Hickory City Council and administered by the Community Appearance Commission (CAC). Each grant application will be evaluated by city staff and the CAC for eligibility and merit according to the procedures set forth in the program guidelines. The purpose of the Community Appearance Grant is to:

- Improve the appearance of building facades in the Urban Revitalization Area;
- Encourage improved design and building character in the Urban Revitalization Area;
- Encourage investment in the Urban Revitalization Area;
- Promote the beautification of Hickory and the importance of the City's history;
- Improve the appearance of privately-owned, non-residential properties through landscaping;
- Encourage property owners to plant trees along major roadway corridors, but outside street ROW;
- Promote the beautification of the City through tree planting along major roadway corridors; and
- Encourage investment in the environment and aesthetics of the City.

Eligibility:

- The owner of a non-residential property located within the Urban Revitalization Area, as designated by City Council and shown on the attached map.
- Maximum of one grant per property will be awarded within any one fiscal year. Furthermore, recipients of grants are not eligible to receive additional grant funding in the two fiscal years following approval unless specifically waived by majority vote of the commission.

Guidelines:

- Grants are given up to a 50-50 matching basis for a maximum amount of \$7,500.00 per application for property improvements. Grants awards are distributed after work on the project is completed, reviewed, and paid project bills are submitted. No after-the-fact applications are eligible.
- All projects must be completed within 120 days from the contract signing. The CAC and the City Council must approve any extension. Paid receipts must be submitted to the City within 30 days of completion.
- Projects of extraordinary impact on the community and of exceptional architectural merit may be considered for funding in excess of the \$7,500.00 ceiling with the majority recommendation of the CAC and approval of the City Council.
- Applications involving property(s) with direct visibility along major or minor thoroughfares will be given priority over other applications.
- Applications where the private investment represents more than 51% of the total investment (public and private funds) will be given priority over other applications.
- Applications must propose improvements that change the appearance of properties in a manner which dramatically improves the appearance of the property.

- Applications supplementing or aligning with public initiatives will be given special consideration.
- Applications for building improvements that contain features that have identifiable longevity (masonry and similar items) will be given priority over other applications.
- Applications for projects involving businesses that have an identified long-term presence in the community will be given priority over applications which involve speculative ventures.
- Rehabilitation of existing structures should respect the architectural integrity of the structure and its historic significance. The Secretary of Interior's Standards for Rehabilitation should be used as guidelines in making this determination for historic properties.
- Any improvements that have been made through this grant program may not be removed from the property for a minimum of two years.
- Any proposal for an exterior renovation, including façade rehabilitation and the replacement of an inappropriate sign is eligible for funding. Top priority will be given to projects which make a highly visible contribution to the Urban Revitalization Area. See **Examples of Eligible Activities** below for a list of eligible projects.
- All improvements made pursuant to this grant program must be replaced, at no cost to the City, if damaged or if plantings die.
- All proposals will be evaluated in terms of compliance with existing ordinances and plans, including (where applicable):
 - Land Development Code;
 - NC State Fire Code;
 - Americans with Disabilities Act;
 - North Carolina State Building Code; and
 - Secretary of the Interior's Standards for Historic Preservation and Rehabilitation.

Grant Application Process:

- Potential applicants must meet with the grant administrator for a pre-application conference to determine whether the proposed project meets the program guidelines. Contact the Office of Business Development at 828-323-7422 to arrange an appointment.
- The owner must complete and return the application form and required attachments to the Planning Department. See **Required Attachments** for list.
- A complete application must be received before consideration is given. Once the application is deemed complete by city staff, the CAC has 90 days in which to make a decision. If a decision is not made within that time, the application will be deemed to be denied.
- If approved by the CAC, an agreement/contract will be prepared by the City and must be signed prior to the commencement of work. No after-the-fact applications are eligible.
- Upon project completion, the applicant must notify the Office of Business Development. A staff person will visit the site and certify that the work has been completed per the agreement.
- After the work has been completed and verified, copies of all paid invoices must be submitted to the City. Once the staff has reviewed the invoices, a reimbursement check will be processed and sent to the applicant. If there is a question or discrepancy about the project or

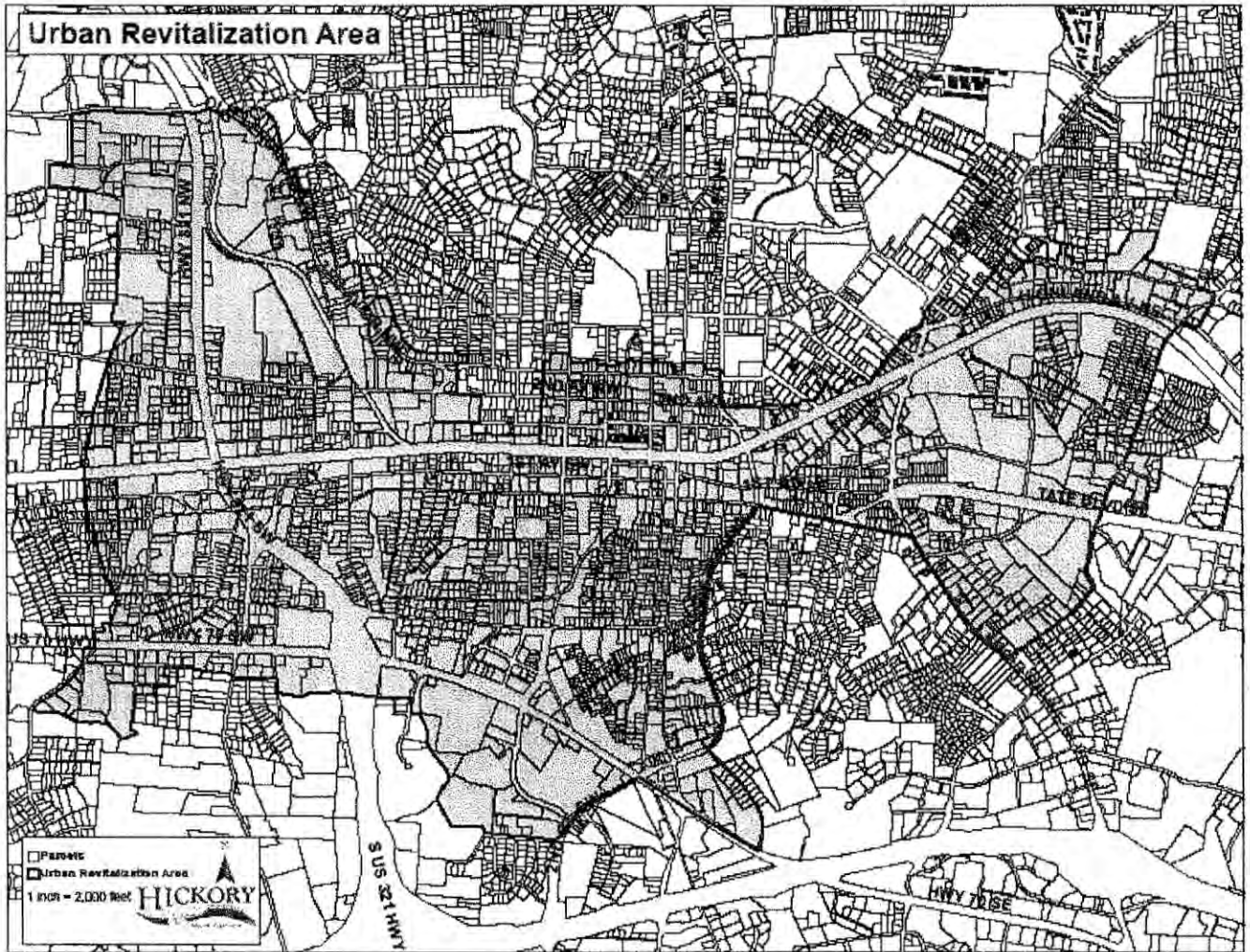
the eligibility for reimbursement, the staff will present the issue to the CAC for their review and decision. The CAC has the right to deny reimbursement based on appearance issues.

Examples of Eligible Activities:

- Exterior facade improvements, appropriate to the architectural style of the building, including:
 - doors
 - windows
 - detail painting
 - rehabilitation of features
 - repointing brick and mortar
- Bicycle access and storage improvements.
- Placement of period lighting or street furniture
- Awnings, but not including lettering or advertising materials (signs).
- Removal of inappropriate additions to existing structures and non-compliant signs may qualify if the overall appearance is enhanced.
- Demolition of existing structure provided that the area is either landscaped to improve the appearance or a building permit has been obtained for new development of the site prior to submitting receipts for payment. Structure to be demolished must be deemed unrepairable and considered to be an eyesore.
- Appropriate and safe cleaning of building that does not damage the exterior surface. Removal of paint is acceptable, however pitting of brick, breaking up of mortar, and sandblasting is not acceptable.
- Painting an existing painted surface; however, colors must be appropriate to the period and architectural style.
- Repair or replacement of extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, and pilasters.
- Other rehabilitation activities may be eligible for a grant if they are determined to be in compliance with the Secretary of the Interior's Standards for Historic Preservation and Rehabilitation or the Design Review Guidelines of the Hickory Historic Preservation Commission.
- Landscaping features including; trees, shrubs, planting beds, and similar items. Trees and shrubs planted in or around parking lots and/or buildings;
- Street trees (planted outside of street right-of-way);
- Outside benches and patio areas open to the general public;

Ineligible Activities:

- Routine repair and maintenance activities.
- Replacement of broken windows.
- Improvements which offer no additional aesthetic value.
- Parking area improvements or upgrades.
- Any improvements which are required under the City's Land Development Code.
- Signs or advertising.



Required Attachments

- Property Deed or Lease ✓
- Color photographs of the existing site or project area ✓
- A plan (drawing) of the site showing the exact location of proposed improvements ✓
- A detailed list of the materials to be used ✓
- A detailed project narrative that fully explains how the application meets the grant guidelines; and ✓
- Two cost estimates/bids.** Cost estimates must be from two different companies or individuals who are capable of performing the proposed work as outlined. ✓

Certification by Owner

I have completed the enclosed application and attached the items requested above. I have been adequately informed of the requirements of this grant (including eligible and ineligible activities) and the process for review of my application.

I understand that the grant money will only apply for approved work that is completed in accordance with the information I have provided in this grant application. Additional work that may be done on site but that is not described in this application will not be reimbursed.

Owners Signature: _____
(Owners signature must be notarized)

Date: 7/15/2024

**NORTH CAROLINA
CATAWBA COUNTY**

I, Isaac Matthews, a Notary Public for said County and State, do hereby certify that Scott Matthew Corby personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 15th day of July, 2024

Notary Public

My Commission Expires: 10/27/28



Narrative NATIONAL AUTO Sales
 123 13th St SW Hickory NC 28602
 We are looking to improve
 the outside appearance of
 our Building due to 20 plus
 year old siding Broken + Bleached.
 This property will be 1st
 the entrance of history thus
 will be the first Building
 at the New entrance to
 Downtown from the 321 exit.
 Thus we have put a new
~~new~~ roof on and American Flag
 pole now + we have all new
 window at our expense last
 is the deteriorated Bleach + Broken
 siding. Thus ~~we~~ we are putting
 new cement Board that look
 modern + clean cut + match
 Roof + window we have put
 in new we also have up
 graded ~~interior~~ ^{inside} office and both
 rooms all new + kitchen.

SCOTT COUNTY OWNER
 020441 2271



catawba county
MAKING. LIVING. BETTER.

Geospatial
 Information Services

Real Estate Search



1in=60ft

Parcel: 279208983885, 121 13TH ST SW HICKORY, 28602

Owners: CORBY SCOTT, CORBY DONE

Owner Address: 123 13TH ST SW

Values - Building(s): \$77,800, Land: \$12,000, Total: \$89,800

This map/report product was prepared from the Catawba County, NC Geospatial Information Services. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map or data on this report. Catawba County promotes and recommends the independent verification of any data contained on this map/report product by the user. The County of Catawba, its employees, agents, and personnel, disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map/report product or the use thereof by any person or entity.

Copyright 2023 Catawba County NC

08/22/2024









3709-0204

Exhibit "A" Legal Description**TRACT ONE:**

BEING DESIGNATED as Catawba County Parcel Identification Number (PIN): 2792 - 08 - 98 - 3761 and consisting of 0.16 of an acre, more or less, and being described as follows:

BEGINNING at a stake on 23 1/2 Street (City of Hickory) the southwest corner of Guy Rowe's lot, and runs thence with said street, South 10 degrees West 150 feet to a stake on 8th Avenue; thence with 8th Avenue, North 85 degrees East 71 feet to a stake, the corner of Daisy E. Hale's lot; thence with said Daisy E. Hale's line, North 10 degrees 150 feet to a stake, corner of Guy Rowe's lot; thence with said Rowe's line, South 85 degrees West 76 feet to the **BEGINNING**.

Saving and excepting any portion conveyed out by deed of record in the Office of the Register of Deeds for Catawba County.

For partial chain of title, see those deeds recorded in Book 3405 at Page 1213; Book 3307 at Page 70 and Book 2899 at Page 1746 in the Office of the Register of Deeds for Catawba County, North Carolina.

This property is known as 135 13th Street, S.W., Hickory, North Carolina 28602 and shown as Parcel Identification Number (PIN): 2792 - 08 - 98 - 3761 and LRK(REID): 0030323 in the Office of the Catawba County Tax Assessor.

TRACT TWO:

BEGINNING at a concrete monument, said concrete monument located in the southern line of the right of way of 1st Avenue, S.W., a 25-foot paved street, and being the northwestern corner of the property of Gladys White, and running with the property of Gladys White, South 10 degrees West 151.76 feet to a ¾ inch pipe; thence with the line of Gladys White, South 83 degrees 13 minutes 13 seconds West 49.31 feet to a ¾ inch pipe located in the eastern line of the right of way of 13th Street, S.W.; thence with the eastern line of the right of way of 13th Street, S.W., North 07 degrees 12 minutes 07 seconds East 114.45 feet to a concrete monument; thence North 55 degrees 36 minutes 43 seconds East 73.88 feet to a concrete monument, being the point of **BEGINNING**.

3709-0205

This description was taken from a map entitled "Property of Lonnie L. Townsend, 121 13th Street, S.W., Hickory, Catawba County, North Carolina" made by Donald S. Miller, Registered Land Surveyor and being dated the 16th day of November, 1990.

For partial chain of title, see those deeds recorded in Book 1693 at Page 637 and Book 1182 at Page 119 in the Office of the Register of Deeds for Catawba County, North Carolina.

This property is known as 121 13th Street, S.W., Hickory, North Carolina 28602 and shown as Parcel Identification Number (PIN): 2792 - 08 - 98 - 3885 and LRK(REID): 0030321 in the Office of the Catawba County Tax Assessor.

THE PURPOSE OF THIS DEED IS TO COMBINE THE HEREIN DESCRIBED TRACTS INTO ONE PARCEL.

3709-0203

State of North Carolina

(Official/Notarial Seal)

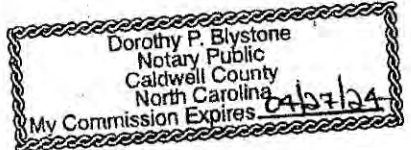
County of Catawba

I certify that the following person(s) personally appeared before me this day, and acknowledged to me that they signed the foregoing document in the capacity indicated:

Scott Corby

Date: 12/07/21

Dorothy P. Blystone
Signature of Notary Public



My Commission Expires: 04/27/24

Dorothy P. Blystone
Typed/Printed Name of Notary

State of North Carolina

(Official/Notarial Seal)

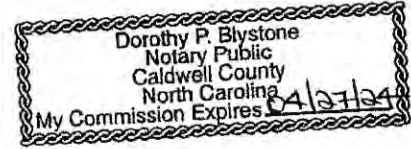
County of Catawba

I certify that the following person(s) personally appeared before me this day, and acknowledged to me that they signed the foregoing document in the capacity indicated:

Done Corby

Date: 12/07/21

Dorothy P. Blystone
Signature of Notary Public



My Commission Expires: 04/27/24

Dorothy P. Blystone
Typed/Printed Name of Notary

National Auto Sales 1

WWW.NATIONALAUTOSALES1.COM

Exhibit VIII.B.
 1210-B 1st Ave SW · Hickory, NC 28602
 Ph 828-441-2271 · Fax 828-441-2276
 E-mail: approved@nas1.biz

Applicant #1	NAME (First, MI, Last)	MARITAL STATUS	SOCIAL SECURITY #	DATE OF BIRTH
HOME ADDRESS (No. & St.) (Apt. #) (City) (State) (Zip) YEARS/MO. THERE HOME PHONE #				
PREVIOUS ADDRESS (If less than three years at present) (No. & St.) (City) (State) (Zip) YEARS/MO. THERE CELL PHONE #				
EMAIL ADDRESS				
EMPLOYER (Company Name) ADDRESS (No. & St.) (City) (State) (Zip) YEARS/MO. THERE				
1ST JOB TITLE		2ND JOB TITLE		1ST JOB PHONE # (& AREA CODE)
				2ND JOB PHONE # (& AREA CODE)
PREVIOUS EMPLOYER (If less than three years at present) PREVIOUS EMPLOYER'S ADDRESS (No. & St.) (City) (State) (Zip) YEARS/MO. THERE				
ABOUT YOUR INCOME				
ANNUAL GROSS SALARY \$		OTHER ANNUAL GROSS INCOME - SOURCE \$		
CREDIT INFORMATION	RESIDENCE OWN <input type="checkbox"/> RENT <input type="checkbox"/>	MONTHLY COST	NAME, ADDRESS AND PHONE # OF MORTGAGE HOLDER / LANDLORD	
Applicant #2	NAME (First, MI, Last)	MARITAL STATUS	SOCIAL SECURITY #	DATE OF BIRTH
HOME ADDRESS (No. & St.) (Apt. #) (City) (State) (Zip) YEARS/MO. THERE HOME PHONE #				
PREVIOUS ADDRESS (If less than three years at present) (No. & St.) (City) (State) (Zip) YEARS/MO. THERE CELL PHONE #				
EMAIL ADDRESS				
EMPLOYER (Company Name) ADDRESS (No. & St.) (City) (State) (Zip) YEARS/MO. THERE				
1ST JOB TITLE		2ND JOB TITLE		1ST JOB PHONE # (& AREA CODE)
				2ND JOB PHONE # (& AREA CODE)
PREVIOUS EMPLOYER (If less than three years at present) PREVIOUS EMPLOYER'S ADDRESS (No. & St.) (City) (State) (Zip) YEARS/MO. THERE				
ABOUT YOUR INCOME				
ANNUAL GROSS SALARY \$		OTHER ANNUAL GROSS INCOME - SOURCE \$		
CREDIT INFORMATION	RESIDENCE OWN <input type="checkbox"/> RENT <input type="checkbox"/>	MONTHLY COST	NAME, ADDRESS AND PHONE # OF MORTGAGE HOLDER / LANDLORD	

You may obtain and (while I am indebted to you) update information bearing on my credit worthiness from any course you may think may have such information, including any consumer reporting agency. I understand you must retain this application. I understand that, if I so request, I will be told whether any consumer report was obtained by you in connection with this application. If so, you will also furnish the name and address of the reporting agency.

VEHICLE PURCHASE INFORMATION			Selling Price \$ _____
YEAR	ADDS AUTO POWER STEERING A/C P-WIN P-LOCK TILT CRUISE AM/FM CASS JBL CD ABS AIR BAGS P-SEAT CONVERTIBLE ENGINE	ADDS SUNROOF T-TOPS POWER ROOF CUST - WHEELCOVERS LEATHER THEFT DETER 4x4 ALL WHEEL DR SUN SCREEN _____ PASS RUN BOARDS LUGGAGE RACK TRAILER TOW TRIM	Cash Down Payment \$ _____ Processing Fee \$ _____ Taxes \$ _____ DMV \$ _____ Warranty \$ _____ Total Down Payment \$ _____ Amount to be Financed \$ _____
MAKE			
MODEL			
MILEAGE			
BOOK VALUE			
Applicant's Signature _____			Date _____

YOUNG, MORPHIS, BACH & TAYLOR, LLP

ATTORNEYS AT LAW
NORTHPARK BUILDING
858 SECOND STREET, NE, SUITE 200 (28601)
POST OFFICE DRAWER 2428
HICKORY, NORTH CAROLINA 28603-2428
www.hickorylaw.com

TELEPHONE: 828.322.4663
FACSIMILE: 828.322.2023
EMAIL: JohnC@hickorylaw.com

CHARLES R. YOUNG, SR. (RETIRED) ✦
THOMAS C. MORPHIS (1947 - 2009)

WAYNE M. BACH
TERRY M. TAYLOR ✦
PAUL E. CULPEPPER
KEVIN C. MCINTOSH
JIMMY R. SUMMERLIN, JR.
TIMOTHY D. SWANSON
JOHN W. CRONE, III
JORDAN L. FAULKNER
JARRYD A. DE BOER
MORGAN L. MCNEIL

✦ CERTIFIED MEDIATOR

✦ BOARD CERTIFIED SPECIALIST IN REAL
PROPERTY LAW-RESIDENTIAL,
BUSINESS, COMMERCIAL &
INDUSTRIAL TRANSACTIONS

December 8, 2021

Mr. & Mrs. Scott Corby
1210 1st Avenue, S.W.
Hickory, NC 28602

Re: Combination Deed – 121 & 135 13th Street, S.W., Hickory

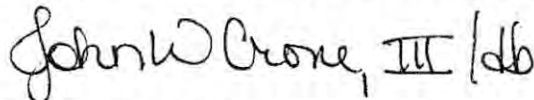
Dear Scott and Done:

Enclosed is a copy of the e-recorded Warranty Deed combining the two (2) tracts you recently purchased. We will keep the original in our file for safekeeping.

Should you have any questions or concerns, please feel free to contact me.

Very truly yours,

YOUNG, MORPHIS, BACH & TAYLOR, LLP



John W. Crone, III

JWC/dpb
Enclosures

3709-0201

FILED ELECTRONICALLY
CATAWBA COUNTY NC
DONNA HICKS SPENCER

FILED Dec 07, 2021
AT 04:44:00 PM
BOOK 03709
START PAGE 0201
END PAGE 0205
INSTRUMENT # 30149
EXCISE TAX \$0.00

Client Copy

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$0.00

Parcel ID No.: 2792-08-98-3885 & 2792-08-98-3761/LRK(REID): 0030321 & 0030323 Verified by _____ County
on the _____ day of _____, 20____ By: _____

Mail/Box to: John W. Crone, III, Attorney, Young, Morphis, Bach & Taylor, LLP., P.O. Drawer 2428, Hickory

This instrument was prepared by: John W. Crone, III, Young, Morphis, Bach & Taylor, LLP, Hickory, NC

Brief description for the Index: 121 & 135 13th Street, S.W., Hickory, NC

THIS DEED, made this the 6th day of **December, 2021**, by and between

GRANTORS: Scott Corby and wife, Done Corby

Whose mailing address is 1210 1st Avenue, S.W., Hickory, North Carolina 28602
(herein referred to as Grantors)

and

GRANTEE: Scott Corby and wife, Done Corby

Whose mailing address is 1210 1st Avenue, S.W., Hickory, North Carolina 28602
(herein referred to as Grantee).

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 City of **Hickory, Hickory** Township, **Catawba** County, North Carolina and being more particularly described as follows:

See attached Exhibit "A" for legal description.

THE PURPOSE OF THIS DEED IS TO COMBINE THE HEREIN DESCRIBED TRACTS INTO ONE PARCEL.

submitted electronically by "Young, Morphis, Bach & Taylor, Llp"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Catawba County Register of Deeds.

NC Warranty Deed - Corby - 270069-1

3709-0202

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

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 3701, Page 1440 and Book 3704, Page 1216, Catawba County Registry.

A map of the property is recorded in Plat Book, Page, Catawba County Registry.

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


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


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

1. **This conveyance is made subject to restrictive covenants of record, and to any and all easements and rights-of-way on location on the above-described property heretofore granted or existing in favor of any individuals, corporations, public or private associations of individuals, public utilities, and governmental agents, commissions or departments for the purpose of constructing, erecting, laying, building or maintaining any streets, roads, highways, signs, service alleys, power lines or poles, gas lines, water lines, lines for pipes or sewer lines and any and all other similar or related public or private utility service facilities or otherwise.**
2. **Ad valorem taxes for assessed against the subject property for the current year and subsequent years;**
3. **Easements, restrictions and rights of way of record affecting the property;**

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

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

BY:  _____ (SEAL)
 Scott Corby

BY:  _____ (SEAL)
 Done Corby

G & A Construction & Remodeling LLC

11166 Downs Rd
 Pineville NC 28134
 gnaconstruction@yahoo.com
 (980)2078811

Estimate

Estimate No: 774
 Date: 06/27/2024

For: National Auto Sales
 123 13th St SW
 Hickory, NC, 28602-2450

Description	Quantity	Rate	Amount
Propose to remove all vinyl siding and add ne siding including all trimm around windows will supply trailer or dumpster to haul off all trash.	1	\$15,100.00	\$15,100.00
	Subtotal		\$15,100.00
	TAX 0%		\$0.00
	Total		\$15,100.00
	Total		\$15,100.00



Estimate for upfitting the building for National 1 Auto Sales.

Following estimate is to install new cement board and batten on the sales office.
Paint the new cement siding color chosen by owner Scott Corby.

Total cost to upfit the exterior of the building is \$ 15,200.00

Victor Popan
President/Owner

Applicant: <i>Scott Corby</i>		Grant Type: Community Appearance	
Property Address: <i>123 13th St SW</i>			
Category	Low (1 Point)	Medium (3 Points)	High (6 Points)
Visibility	The improvement will not be readily visible from public street.	The improvement will be readily visible from public street.	The improvement will be readily visible from an entrance corridor, high traffic public street or other high traffic area (park, community center).
Value	Average or lower value. Meets minimum criteria for owner match.	A good deal. Supports a large owner investment.	Supplements high public or private investment, donations, or matching funds. Is an exceptional value.
Impact	Improves an aspect of the property other than façade or design of the building.	Improves building façade or overall property appearance significantly.	Improves building design and character. Changes the entire look of the property. Incorporates materials or other details that are contextually appropriate and well designed.
Alignment	Within Urban Revitalization Area.	Within Urban Revitalization Area and is an historical structure.	Within Urban Revitalization Area and complements Inspiring Spaces, or another City or Regional initiative or program.
Longevity	2-5 years Example: flowers, paint, land-clearing.	6-15 years Example: shrubs, roofing, awnings, facial renovations	16+ years Example: trees, masonry repairs, structural renovation
Viability	Improves a property having risky long-term business viability.	Improves a structure with proven short-term (1-3 year) business viability, or low-risk long-term viability.	Improves a structure with proven long-term (4 year +) business viability.
Category Totals	0 to 13 Points	14 to 19 Points	20+ Points
Category Minimums		2L + 4M	5M + 1H
Grant Category Scores			
Overall Grant Score	<i>24</i>		

6
3
3
6
3
3

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Chief of Police D. Reed Baer III
Contact Person: Lisa Drum
Date: 09/27/2024
Re: Acceptance of the 2024 Bullet Proof Vest Grant

REQUEST:

Hickory Police Department requests permission to accept a grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50% reimbursement for each vest purchased.

BACKGROUND: Since 1999, the Bullet Proof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50% funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years.

ANALYSIS:

Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five (5) years.

RECOMMENDATION:

The Police Department would recommend the acceptance of this grant to receive up to 50% funding to purchase bulletproof vests for police officers.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes
X

No

LIST THE EXPENDITURE CODE:

0495110 523601

Reviewed by:



D. Reed Baer III

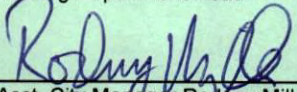
Initiating Department Head

09/27/2024

Date

City Attorney, Timothy Swanson

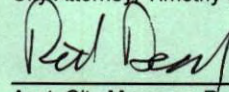
Date



Asst. City Manager Rodney Miller

10/17/24

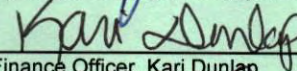
Date



Asst. City Manager, R. Beasley

10/7/24

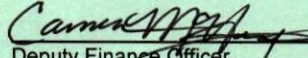
Date



Finance Officer, Kari Dunlap

10/7/24


Date



Deputy Finance Officer,
Cameron McHargue

10-10-24

Date

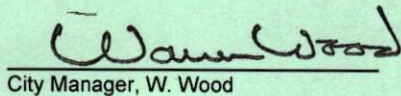


Asst City Manager Yaidee Fox

10/7/24

Date

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



City Manager, W. Wood

10.7.24

Date

Lisa Drum

From: Reed Baer
Sent: Thursday, September 26, 2024 3:25 PM
To: Lisa Drum; Bryan Adams
Subject: Fw: BJA Patrick Leahy Bulletproof Vest Partnership (BVP) – FY 2024 Award Announcement

Get [Outlook for iOS](#)

From: Warren Wood <wwood@hickorync.gov>
Sent: Thursday, September 26, 2024 1:29:35 PM
To: Reed Baer <rbaer@hickorync.gov>; Rodney N. Miller <rmiller@hickorync.gov>; Kari Dunlap <kdunlap@hickorync.gov>
Subject: FW: BJA Patrick Leahy Bulletproof Vest Partnership (BVP) – FY 2024 Award Announcement

fyi

From: Bureau of Justice Assistance <BJA@public.govdelivery.com>
Sent: Thursday, September 26, 2024 12:27 PM
To: Warren Wood <wwood@hickorync.gov>
Subject: BJA Patrick Leahy Bulletproof Vest Partnership (BVP) – FY 2024 Award Announcement

CAUTION: This email originated from outside of the organization.

[View as a webpage / Share](#)

A dark blue banner with the BJA logo on the left, which includes the text "BUREAU OF JUSTICE ASSISTANCE" and "U.S. DEPARTMENT OF JUSTICE". To the right of the logo is the text "Karhlton F. Moore, Director". The main text in the center reads "NEWS from BJA" in large white letters, with "BUREAU OF JUSTICE ASSISTANCE • OFFICE OF JUSTICE PROGRAMS" in smaller yellow letters below it.

Dear BVP Applicant:

The Bureau of Justice Assistance (BJA) is pleased to inform you that your jurisdiction will receive an award under the Fiscal Year (FY) 2024 Patrick Leahy Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the [BVP System](#). A complete list of FY 2024 BVP awards is now available at the following link: [2024 BVP awards](#).

Important: Jurisdictions must be registered and include updated banking information in the System for Award Management (SAM) (<https://www.sam.gov/SAM/>) to receive reimbursement. For more information about renewing and updating your existing SAM registration, or registering in SAM as a new entity, please visit: <https://sam.gov/content/help>. The SAM Helpdesk can be reached at 866-606-8220.

The FY 2024 award may be used for National Institute of Justice (NIJ) compliant armored vests that were ordered after April 1, 2024. The deadline to request payments from the FY 2024 award is August 31, 2026, or until all available funds have been requested. Awards will not be extended past that date, and any unused funds will be forfeited.

As a reminder, body armor vests purchased with BVP funds must have been tested through the NIJ [Compliance Testing Program](#) and found to comply with the most current NIJ body armor standards, appear on the [NIJ Compliant Products List](#) as of the date the body armor was ordered, be uniquely fitted, and be made in the United States. In addition, applicants must have a written mandatory wear policy for uniformed patrol officers in place at the time of application.

In addition, the federal portion of the costs for body armor vests purchased under the BVP Program may not exceed 50 percent. However, jurisdictions may request a financial or natural disaster hardship waiver during the payment request process and receive up to 100 percent of the cost of each body armor vest submitted for reimbursement. Additional information regarding match waivers can be found in the [BVP FAQs](#), and detailed instructions on the process for requesting a waiver and the documentation required can be found in the [Submitting Payment Requests in BVP User Guide](#).

Please contact the BVP Helpdesk at 1-877-758-3787 or email vests@usdoj.gov if you have any questions regarding the above information. Please also visit the [BVP website](#) for additional information regarding the BVP Program.

In addition, please visit BJA's [Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability \(VALOR\) Initiative](#) website to obtain other information regarding officer safety. The VALOR Initiative is a comprehensive set of programs that deliver no-cost officer safety, wellness, resilience training, resources, and technical assistance to law enforcement throughout the country. VALOR brings together the latest research and practices to address current and emerging officer safety and wellness issues and threats. Please see the [VALOR Initiative Overview](#) booklet for additional details about this initiative.

Sincerely,

BVP Program Team
Bureau of Justice Assistance

<https://www.ojp.gov/program/bulletproof-vest-partnership>

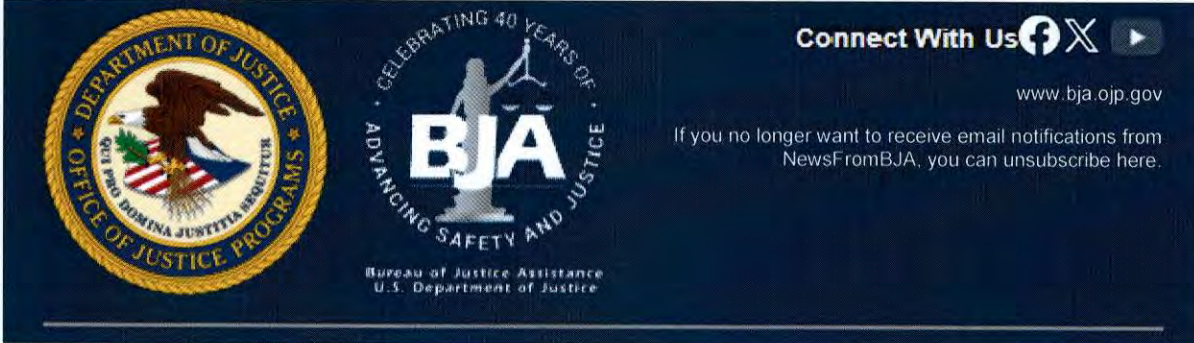


PUBLIC SAFETY OFFICERS' BENEFITS (PSOB) PROGRAM

Enacted in 1976, the PSOB Program provides death, disability, and education benefits to those eligible for the program. For details regarding these federal benefits for law enforcement officers, firefighters, and other first responders who have died or become catastrophically injured in the line of duty, call the PSOB Office at 888-744-6513 or visit us online at [online](#).

BJA offers many resources, training and technical assistance, and policy development services to support local, state, and tribal governments in achieving safer communities.

If you haven't already, [subscribe to the News From BJA](#) subscription list to stay up to date on the latest information and news from BJA. If you are already a subscriber, [update your subscription preferences](#) to receive information that is most relevant to you.



The banner features the Department of Justice seal on the left, the BJA logo in the center (celebrating 40 years of advancing safety and justice), and social media icons for Facebook, X, and YouTube on the right. Below the social media icons is the website address www.bja.ojp.gov and a link to unsubscribe from NewsFromBJA.

This email was sent to wwood@hickorync.gov using GovDelivery Communications Cloud on behalf of Department of Justice · Washington, DC



APPLICATION DETAILS

APPLICATION PROFILE

Participant	HICKORY CITY
Fiscal Year	2024
Number of Agencies Applied	0
Total Number of Officers for Application	122
Number of Officers on Approved Applications	122

APPLICATION PROFILE

Fiscal Year	2024
Vest Replacement Cycle 	5
Number of Officers	122
Number of Stolen or Damaged Emergency Replacement Needs 	0
Number of Officer Turnover	0

APPLICATION DETAILS

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
HW-2019-05-SB	22	\$1,553.00	\$34,166.00	\$300.00	\$34,466.00
Grand Totals	22		\$34,166.00	\$300.00	\$34,466.00

AWARD SUMMARY FOR FY2024 REGULAR FUND

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$34,466.00	\$17,019.90	09/26/24	Approved by BVP
Grand Totals:	\$34,466.00	\$17,019.90		

RETURN

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Anna Beth Walker, Community Development Specialist
Contact Person: Anna Beth Walker, Community Development Specialist
Date: October 3, 2024
Re: Citizens Advisory Committee Recommendation

REQUEST

Recommendation for assistance through the City of Hickory's Housing Programs.

BACKGROUND

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

ANALYSIS

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on October 3, 2024:

- Catherine Eggers, located at 1220 27th Ave. NE, Hickory was recommended for approval of up to \$12,000.00 under the City of Hickory's 2024 Urgent Repair Program.
- Louise Adams, located at 1330 5th St. NE, Unit 45, Hickory was recommended for approval of up to \$12,000.00 under the City of Hickory's 2024 Urgent Repair Program.
- Rosa Elliott, located at 1420 11th St. Dr. NW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for assistance due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines and minimum repairs.
- Terry-Lynne Courteau, located at 2472 23th St. NE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.

RECOMMENDATION

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

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

056-1621-558-32-02

059-1538-558-38-01

Reviewed by:

Dave Leonetti DGL

Initiating Department Head

10/3/24

Date

Deputy City Attorney

Date

Rodney Miller
Asst. City Manager Rodney Miller

10/7/24
Date

Phil Beasley
Asst. City Manager, R. Beasley

10/7/24
Date

Kari Dunlap
Finance Director, Kari Dunlap

10/7/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

10-10-24
Date

Exe Asst City Manager Yaidee Fox

Date

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

W. Wood
City Manager, W. Wood

10.7.24
Date

BUDGET REVISION # 7

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2025 and for the duration of the Project Ordinances 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	
	Culture & Recreation	71		
	Public Safety	250	17,020	
	Other Financing Uses	17,020		
	TOTAL	17,341	17,020	
To provide funding for the above, the		General Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Miscellaneous	71		
	Restricted Intergovernmental	250		
	TOTAL	321	-	

SECTION 2. To amend the		Hickory-Catawba WWTP Expansion (#82103)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Water & Sewer Capital Projects		100,000	
	TOTAL	-	100,000	
To provide funding for the above, the		Hickory-Catawba WWTP Expansion (#82103)	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Restricted Intergovernmental		100,000	
	TOTAL	-	100,000	

SECTION 3. To establish the Bulletproof Vest Partnership 2024 (#G5120) Grant Project, the expenditures shall be amended as follows:			
FUNCTIONAL AREA		INCREASE	DECREASE
Public Safety		34,040	
TOTAL		34,040	-
To provide funding for the above, the Bulletproof Vest Partnership 2024 (#G5120) revenues will be amended as follows:			
FUNCTIONAL AREA		INCREASE	DECREASE
Other Financing Sources		17,020	
Restricted Intergovernmental		17,020	
TOTAL		34,040	-

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.

Adopted this ____ day of _____, 2024

Mayor

Clerk

**CITY OF HICKORY
GRANT PROJECT ORDINANCE
2024 BULLETPROOF VEST PARTNERSHIP GRANT PROJECT**

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

SECTION 1. The project authorization is the 2024 Bulletproof Vest Partnership Grant Project.

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

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

Other Financing Sources:	
Transfer from General Fund	\$ 17,020
Restricted Intergovernmental Revenues:	
Federal Revenue/Police Multi-Year Grants	\$ 17,020
Total	\$ 34,040

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

Public Safety:	
Uniforms	\$ 34,040
Total	\$ 34,040

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

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

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

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

Adopted this the ____ day _____, 2024.

Mayor

Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Brian Frazier, Planning Director

Date: October 3, 2024

Re: Voluntary contiguous annexation of property owned by Blueberry Farm Hickory, LLC.

REQUEST

Consideration of the voluntary contiguous annexation of 151.218 acres of properties located 432 Catawba Valley Blvd SE, 2115 3rd St Place SE and five other adjoining parcels. These properties are identified as PINs 370108789470, 370108775545, 370108875621, 370112877400, 370112875316, 370111666796, 3701-12-75-5345.

BACKGROUND

The properties are currently located within the City of Hickory's extraterritorial jurisdiction, and zoned R-2 Residential. The owners / developer intends to construct a residential subdivision containing 308 attached and detached single-family residences utilizing a conservation subdivision technique. This technique creates smaller building lots with preserved open space. The existing R-2 zoning permits residential density at a rate of four unit per acre, which could result in the construction of 600+ dwellings. The density proposed by the developer is approximately 50% of what could potentially be constructed.

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 planned to be developed to into a residential subdivision containing 308 new residential lots.

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

The current tax value of the properties are \$948,100. If annexed, the property would generate \$4,313 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 annexation, and adequate public services are available.

RECOMMENDATION

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

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian Frazier *BMF* 10/3/2024
Initiating Department Head Date

Rodney Miller 10/7/24
Asst. City Manager R. Miller Date

Kari Dunlap 10/7/24
Finance Officer, K. Dunlap Date

Yaldee Fox 10/7/24
Asst City Manager Yaldee Fox Date

City Attorney, T. Swanson Date
Paul Beasley 10/7/24
Asst. City Manager, P. Beasley Date

Cameron McHargue 10-10-24
Deputy Finance Officer, Date
Cameron McHargue

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

Warren Wood
City Manager, Warren Wood

10.7.24
Date

VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS

APPLICANT: Blueberry Farm Hickory, LLC

AGENT: Adam Fiorenza – Managing Member

PROPERTY LOCATION: 432 Catawba Valley Blvd SE, 2115 3rd St Place SE and five other adjoining parcels

PINS: 370108789470, 370108775545, 370108875621, 370112877400, 370112875316, 370111666796, 370112755345

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

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

ACREAGE: 151.218 acres

DEVELOPMENT POTENTIAL: The properties are currently located within the City of Hickory’s extraterritorial jurisdiction, and zoned R-2 Residential. The owners / developer intends to construct a residential subdivision containing 308 attached and detached single-family residences utilizing a conservation subdivision technique. This technique creates smaller building lots with preserved open space. The existing R-2 zoning permits residential density at a rate of four units per acre, which could result in the construction of 600+ dwellings. The density proposed by the developer is approximately 50% of what could potentially be constructed.

TAX VALUE: The current tax value of the properties is \$948,100. If annexed, the property would generate \$4,313 in additional tax revenues.

POPULATION INCREASES: The properties are vacant, but are planned to be developed for the location on 308 residential building lots. Upon completion, the residential development will add an additional 727 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	308	62
Middle	Grandview	0.09	308	28
High	Hickory	0.10	308	31

**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 and occupied by Grandview Middle School and future residential building lots in the Stonebrook Development.
-
- **South:** The properties are zoned R-1 Residential and are vacant.
- **East:** The properties are zoned R-2 Residential and occupied by residences or vacant.
- **West:** The property is zoned Planned Development and are future residential building lots in the Stonebrook development.

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 the properties is from Catawba Valley Boulevard SE and 20th Avenue SE which are maintained by the North Carolina Department of Transportation. During construction of the proposed development, the developer will construct internal streets and connect to the above mentioned streets in accordance with City and NCDOT specifications.

DISTANCE FROM CITY LIMITS (See Map 1): The properties are contiguous to the property along their northern and eastern boundaries.

STAFF COMMENTS:

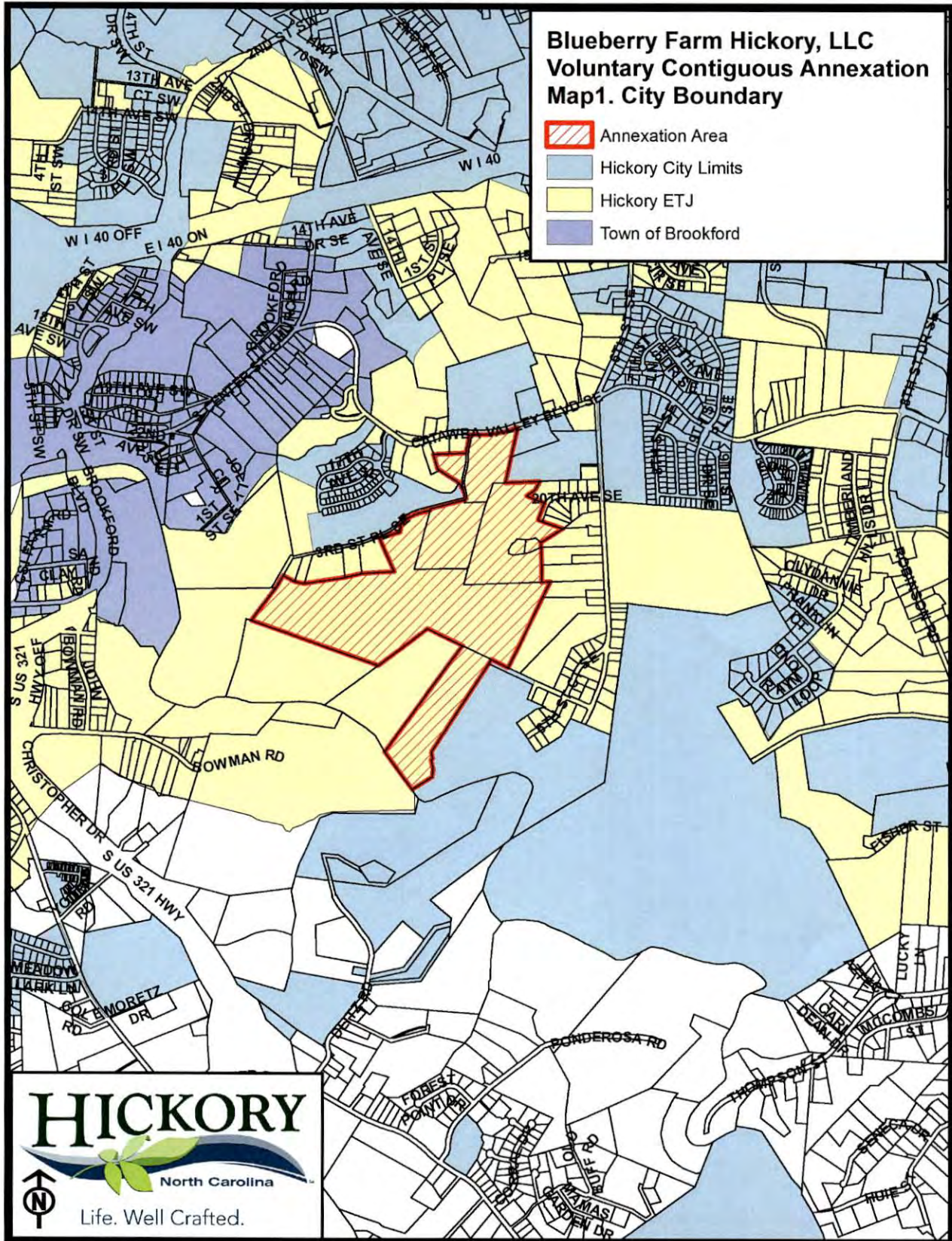
- **Fire:** The annexation of the properties, which are currently adjacent to HFD Station 7's response area, would not adversely affect the fire department's operations.
- **Police Department:** If annexed, the properties will be located in Charles PACT. The westernmost edge of the annexation area is approximately 350 yards of the Hickory Police Department's Firearms Range. The easternmost edge of the annexation area is approximately 1550 yards of the Hickory Police Department's Firearms Range. The level of future traffic on the roadways in and around the entrance to the annexation area will likely be significant. The level of future traffic on these surrounding roadways will likely also be more impacted if the projected numbers of homes are added to Stonebrook, which touches a portion of the annexation area.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.

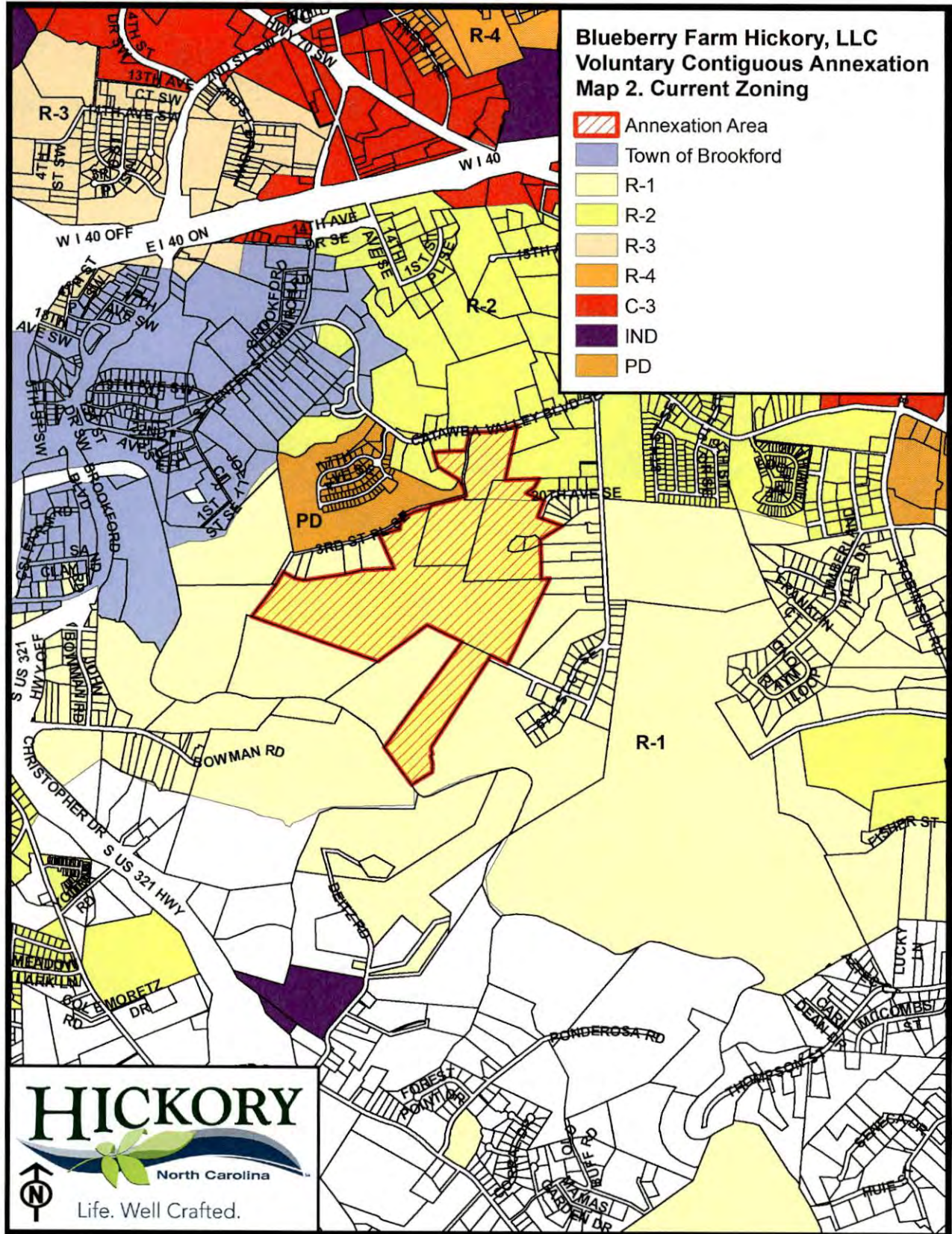
- Public Utilities Water and sewer are both available. The developer has installed part of the system, and will be required to finish installation before home construction begins. All work on the system will be at the cost of the developer.
-
- Legal: No objections.
- City Manager's Office: No objections.

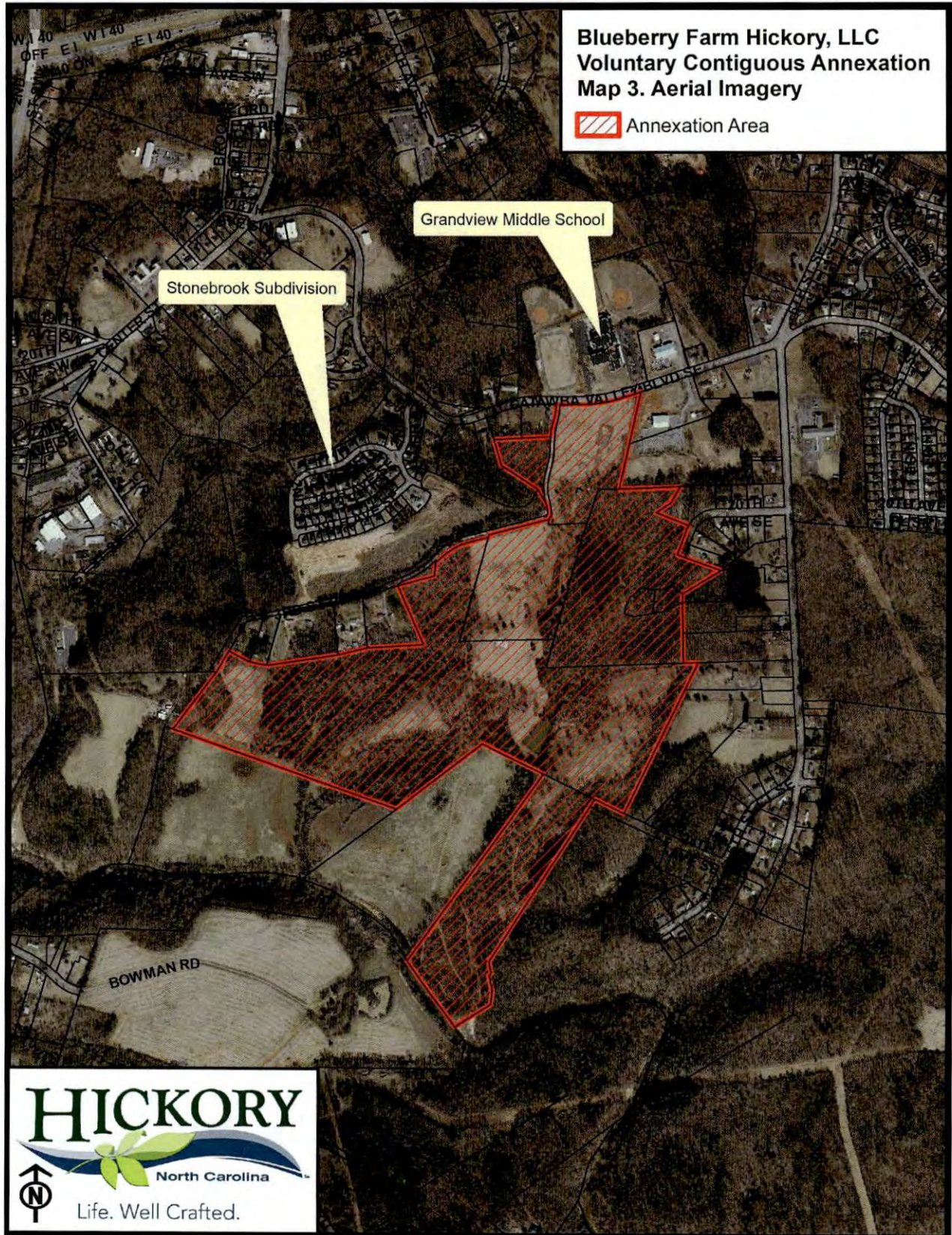
STAFF RECOMMENDATION: Upon evaluation staff has found the following:

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

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







5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

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

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

6. OWNER'S AFFIDAVIT

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

Adam Florenza Managing Member of Blueberry Farm Hickory LLC
Printed Name of Property Owner(s)


Signature of Property Owner(s)

301 Fieldbrook Place Charlotte NC 28209
Address of Property Owner(s)

704-905-9908
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

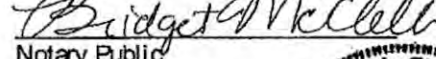
State of North Carolina -- County of _____

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____.

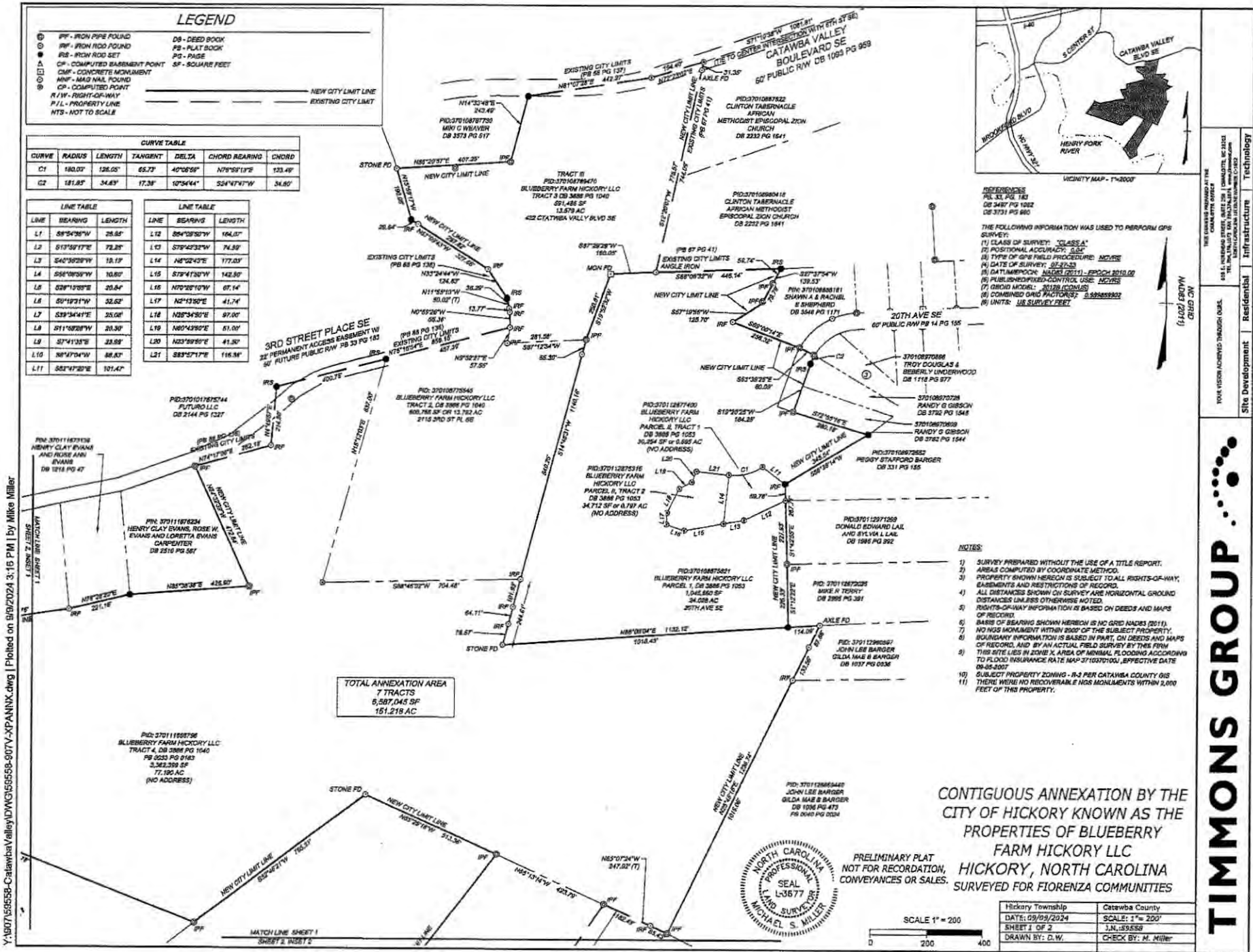
My Commission Expires: _____
Notary Public

State of North Carolina -- County of Mecklenburg

I, the undersigned Notary Public of the County and State aforesaid, certify that Adam Florenza personally came before me this day an acknowledged the he/ she is the Managing Member of Blueberry Farm Hickory 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 21st day of August, 2024.

My Commission Expires: 09/21/2026

Notary Public





LEGEND

- ⊙ IRP - IRON PIPE FOUND
- ⊙ IRP - IRON ROD FOUND
- ⊙ IRP - IRON ROD SET
- ⊙ CP - COMPUTED EASEMENT POINT
- ⊙ CMF - CONCRETE MONUMENT
- ⊙ MNF - MAG NAIL FOUND
- ⊙ CP - COMPUTED POINT
- R/W - RIGHT-OF-WAY
- P.L. - PROPERTY LINE
- NTS - NOT TO SCALE
- DB - DEED BOOK
- PB - PLAT BOOK
- PF - PAGE
- SF - SQUARE FEET
- NEW CITY LIMIT LINE
- EXISTING CITY LIMIT

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	180.00'	126.05'	65.73'	40°08'58"	N7°59'13"E	133.49'
C2	181.85'	34.83'	17.38'	10°54'44"	S54°47'41"W	34.80'

LINE TABLE

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S8°54'38"W	28.85'	L12	S84°32'50"W	164.00'
L2	S13°52'17"E	72.85'	L13	S79°42'32"W	74.30'
L3	S40°59'29"W	18.19'	L14	N8°52'43"E	177.03'
L4	S56°09'59"W	10.80'	L15	S73°47'30"W	142.80'
L5	S28°12'03"E	35.84'	L16	N70°22'10"W	87.14'
L6	S0°19'21"E	32.62'	L17	N2°13'50"E	41.74'
L7	S39°34'41"E	35.08'	L18	N28°34'30"E	97.00'
L8	S71°58'22"W	20.30'	L19	N60°43'50"E	61.00'
L9	S7°41'15"E	33.99'	L20	N23°59'50"E	41.30'
L10	S8°17'04"W	88.83'	L21	S83°57'17"E	116.58'
L11	S51°47'20"E	101.47'			



REFERENCES
 PLS 31 PG 183
 DB 3487 PG 108Z
 DB 3731 PG 880

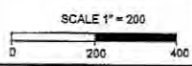
THE FOLLOWING INFORMATION WAS USED TO PERFORM GPS SURVEY:
 (1) CLASS OF SURVEY: "CLASS A"
 (2) POSITIONAL ACCURACY: 5.0"
 (3) TYPE OF GPS FIELD PROCEDURE: MOVE
 (4) DATE OF SURVEY: 09/09/2024
 (5) DATUM/EPOCH: NAD83(2011)_EPOCH 2010.02
 (6) PUBLISHED/UNPUBLISHED CONTROL USE: MOVE
 (7) ORION MODEL: 3070 (COMES)
 (8) COMBINED ORION FACTORSET: 3.92885992
 (9) UNITS: US SURVEY FEET

- NOTES:**
- 1) SURVEY PREPARED WITHOUT THE USE OF A TITLE REPORT.
 - 2) AREAS COMPUTED BY COORDINATE METHOD.
 - 3) PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
 - 4) ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 - 5) RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
 - 6) BASIS OF BEARING SHOWN HEREON IS NO GRID HAZDS (2011).
 - 7) NO IRON MONUMENT WITHIN 500' OF THE SUBJECT PROPERTY.
 - 8) BOUNDARY INFORMATION IS BASED IN PART, ON DEEDS AND MAPS OF RECORD, AND BY AN ACTUAL FIELD SURVEY BY THIS FIRM. THIS SITE LIES IN ZONE 5, AREA OF MINIMAL FLOODING ACCORDING TO FLOOD INSURANCE RATE MAP 3710307001, EFFECTIVE DATE 09-05-2007.
 - 9) SUBJECT PROPERTY ZONING - R-3 PER CATAWBA COUNTY GIS.
 - 10) THERE WERE NO RECOVERABLE NGS MONUMENTS WITHIN 2,000 FEET OF THIS PROPERTY.

CONTIGUOUS ANNEXATION BY THE CITY OF HICKORY KNOWN AS THE PROPERTIES OF BLUEBERRY FARM HICKORY LLC HICKORY, NORTH CAROLINA SURVEYED FOR FIORENZA COMMUNITIES



PRELIMINARY PLAT
 NOT FOR RECORDATION,
 CONVEYANCES OR SALES.

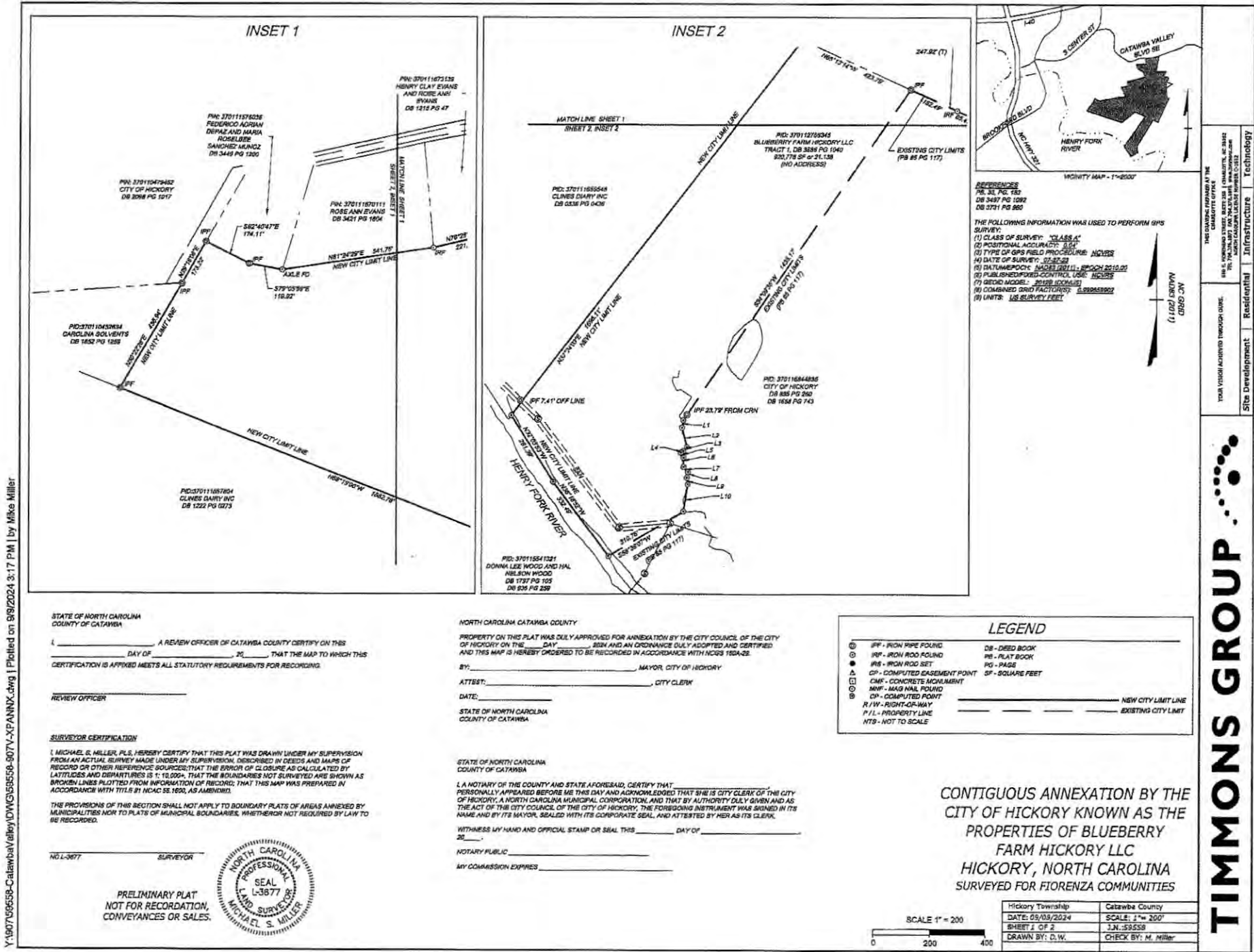


Hickory Township	Catawba County
DATE: 09/09/2024	SCALE: 1" = 200'
SHEET 1 OF 2	J.N. 595559
DRAWN BY: C.W.	CHECK BY: M. Miller

Y:\9071505559-CatawbaValley\DWG\595559-907V-XPANNY.dwg | Plotted on 9/9/2024 3:15 PM | By Mike Miller

THIS SURVEY WAS PERFORMED BY THE
 CATAWBA COUNTY
 605 E. HENRY FORK STREET, SUITE 200 | COLUMBIANA, NC 28028
 TEL: 704.735.4444 | WWW.CATAWBA-COUNTY.COM
 Technology
 Infrastructure
 Residential
 Site Development

TIMMONS GROUP



STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, _____, A REVIEW OFFICER OF CATAWBA COUNTY CERTIFY ON THIS _____ DAY OF _____, 2024, THAT THE MAP TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: _____

SURVEYOR CERTIFICATION

I, MICHAEL S. MILLER, P.L.S. HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DESCRIBED IN DEEDS AND MAPS OF RECORD OR OTHER REFERENCE SOURCES; THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:15,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH TITLE 81 NCAC §§ 1600, AS AMENDED.

THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF AREAS ANNEXED BY MUNICIPALITIES NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.

NO. L-3677 SURVEYOR



PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES.

NORTH CAROLINA, CATAWBA COUNTY

PROPERTY ON THIS PLAT WAS DULY APPROVED FOR ANNEXATION BY THE CITY COUNCIL OF THE CITY OF HICKORY ON THE _____ DAY OF _____, 2024, AND AN ORDINANCE DULY ADOPTED AND CERTIFIED AND THIS MAP IS HEREBY ORDERED TO BE RECORDED IN ACCORDANCE WITH NCOS 162A-2E.

BY: _____ MAYOR, CITY OF HICKORY

ATTEST: _____ CITY CLERK

DATE: _____

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

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

WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS _____ DAY OF _____, 2024.

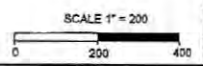
NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

LEGEND

⊙	IRP - IRON PIPE FOUND	DB - DEED BOOK
⊚	IRP - IRON ROD FOUND	FB - PLAT BOOK
●	IRE - IRON ROD SET	PG - PAGE
△	CE - COMPUTED EASEMENT POINT	SF - SQUARE FEET
□	CMF - CONCRETE MONUMENT	
⊖	MNF - MAG NAIL FOUND	
⊙	CP - COMPUTED POINT	
	R/W - RIGHT-OF-WAY	— NEW CITY LIMIT LINE
	P/L - PROPERTY LINE	— EXISTING CITY LIMIT
	N7S - NOT TO SCALE	

CONTIGUOUS ANNEXATION BY THE
CITY OF HICKORY KNOWN AS THE
PROPERTIES OF BLUEBERRY
FARM HICKORY LLC
HICKORY, NORTH CAROLINA
SURVEYED FOR FIORENZA COMMUNITIES



Hickory Township	Catawba County
DATE: 05/03/2024	SCALE: 1" = 200'
SHEET 1 OF 2	J.N. 59558
DRAWN BY: D.W.	CHECK BY: M. Miller

Y:\90759558-Catawba\dw\GIS\59558-9075-XPANX.dwg | Plotted on 05/03/2024 3:17 PM | by Mike Miller

THE DRAWING IS PART OF THE
CATAWBA COUNTY
SITE DEVELOPMENT
RESIDENTIAL
INFRASTRUCTURE
TECHNOLOGY

THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF TIMMONS GROUP, INC.

TIMMONS GROUP

State of North Carolina
Department of the Secretary of State

SOSID: 2881395
Date Filed: 7/18/2024 2:53:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C2024 200 01501

Limited Liability Company
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

- 1. The name of the limited liability company is: Blueberry Farm Hickory LLC
(See Item 1 of the Instructions for appropriate entity designation)
- 2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both by checking all applicable boxes.) **Note: This document must be signed by all persons listed.**

Name	Business Address	Capacity
<u>Fiorenza Properties LLC</u>	<u>- 301 Fieldbrook Place Charlotte NC, 28209-2245 United States</u>	<input checked="" type="checkbox"/> Member <input type="checkbox"/> Organizer
_____	_____	<input type="checkbox"/> Member <input type="checkbox"/> Organizer
_____	_____	<input type="checkbox"/> Member <input type="checkbox"/> Organizer

3. The name of the initial registered agent is: Fiorenza Properties LLC

4. The street address and county of the initial registered agent office of the limited liability company is:
Number and Street 301 Fieldbrook Pl
City Charlotte State: NC Zip Code: 28209-2245 County: Mecklenburg

5. The mailing address, if different from the street address, of the initial registered agent office is:
Number and Street _____
City _____ State: NC Zip Code: _____ County: _____

6. Principal office information: (Select either a or b.)
a. The limited liability company has a principal office.
The principal office telephone number: _____
The street address and county of the principal office of the limited liability company is:
Number and Street: _____
City: _____ State: _____ Zip Code: _____ County: _____

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: _____

City: _____ State: _____ Zip Code: _____ County: _____

b. The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. **(Optional): Listing of Company Officials** (See instructions on the importance of listing the company officials in the creation document.

Name	Title	Business Address
Fiorenza Properties LLC	Managing Member	301 Fieldbrook Pl Charlotte NC, .

9. **(Optional): Please provide a business e-mail address:** Privacy Redaction
 The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

This is the 18th day of July, 2024 .

Fiorenza Properties LLC

Adam Fiorenza

Signature

Adam Fiorenza Manager

Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.

Signature

Signature

Type or Print Name and Title

Type or Print Name and Title

NOTE:

1. Filing fee is \$125. This document must be filed with the Secretary of State.



LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022
NAME OF LIMITED LIABILITY COMPANY: Fiorenza Properties, LLC

SECRETARY OF STATE ID NUMBER: 1478757 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
E - Filed Annual Report
1478757
CA202409901264
4/8/2024 09:46
 Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Fiorenza Properties, LLC

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

118 E Kingston Ave, Ste 16 118 E Kingston Ave, Ste 16
Charlotte, NC 28203 Mecklenburg County Charlotte, NC 28203

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (704) 905-9908 x 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

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

118 E Kingston Ave, Ste 16 118 E Kingston Ave, Ste 16
Charlotte, NC 28203 Charlotte, NC 28203

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: Adam R. Fiorenza NAME: _____ NAME: _____
TITLE: President TITLE: _____ TITLE: _____
ADDRESS: _____ ADDRESS: _____ ADDRESS: _____
301 Fieldbrook Place
Charlotte, NC 28209

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

Adam R. Fiorenza 4/8/2024
SIGNATURE DATE

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

Adam R. Fiorenza President
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

3886-1040

FILED ELECTRONICALLY
 CATAWBA COUNTY NC
 DONNA HICKS SPENCER

FILED Aug 01, 2024
 AT 08:51:00 AM
 BOOK 03886
 START PAGE 1040
 END PAGE 1046
 INSTRUMENT # 13522
 EXCISE TAX \$6,600.00
 MR

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax:	\$6,600.00
Parcel ID:	0042890, 0042901, 0042903, and 0042905
Mail/Box to:	Grantee
Prepared by:	Hamilton Stephens Steele & Martin, PLLC (GWS) 525 N. Tryon Street, Ste 1400, Charlotte, NC 28202
Brief description for the Index:	Approximately 126 acres near Catawba Valley Blvd., Catawba County, NC

THIS SPECIAL WARRANTY DEED ("Deed") is made on the 30 day of July, 2024, by and between:

GRANTOR	GRANTEE
Blueberry Farms, LLC A North Carolina limited liability company Mailing Address: 4455 NC Highway 10W Newton, NC 28658	Blueberry Farm Hickory LLC A North Carolina limited liability company Mailing Address: 118 E. Kingston Ave., Ste 16 Charlotte, NC 28203

Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in Catawba County, North Carolina and more particularly described as follows (the "Property"):

See attached Exhibit A.

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 3497, page 1092.

All or a portion of the Property includes or does not include the primary residence of a Grantor.

A map showing the Property is recorded in Plat Book ___, page ___.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor shall

3886-1041

warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

1. All easements, covenants, conditions, and restrictions of record and affecting the Property.
2. The lien of ad valorem taxes for the current year and subsequent years.
3. Matters that would be disclosed by a current and accurate survey of the property.
4. Zoning, land use, and building laws, regulations, and ordinances.

[signature and notarization on following page]

WEB

3886-1042

IN WITNESS WHEREOF, Grantor has duly executed this North Carolina Special Warranty Deed, if an entity by its duly authorized representative.

Blueberry Farms, LLC

By: *Michael Dorsey*
Name: Michael Dorsey
Title: Manager

STATE OF North Carolina
COUNTY OF Catawba

I *Tammye Essary Smith*, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 25 day of July, 2024 each acknowledging to me that he or she signed the foregoing document, in the capacity represented and identified therein (if any): *Michael Dorsey*

Affix Notary Seal/Stamp
TAMMYE ESSARY SMITH
NOTARY PUBLIC
Catawba County
North Carolina
My Commission Expires May 19, 2027

Tammye Essary Smith
Notary Public (Official Signature)
My commission expires: 5/19/27

3886-1043

EXHIBIT A
LEGAL DESCRIPTION

Tract One:

All that certain lot or parcel of land situated in Hickory Township, Catawba County, North Carolina and being more particularly described as follows:

BEGINNING at an old corner iron located in the line of C. Michael Nicks and wife, Sally A. Nicks (now or formerly), and being the northwestern corner of the property of the City of Hickory (now or formerly), thence with the line of the City of Hickory, South 33 degrees 04 minutes 35 seconds West 1411.77 feet to an old corner iron; thence South 33 degrees 04 minutes 35 seconds West 23.40 feet to a point in the center of a creek; thence continuing in the creek for ten (10) calls: South 07 degrees 49 minutes 35 seconds West 26.95 feet to a point; thence South 15 degrees 04 minutes 18 seconds East 72.25 feet to a point; thence South 39 degrees 30 minutes 28 seconds West 19.19 feet to a point; thence South 57 degrees 03 minutes 58 seconds West 10.60 feet to a point; thence South 29 degrees 18 minutes 56 seconds East 20.84 feet to a point; thence South 00 degrees 45 minutes 30 seconds East 32.62 feet to a point; thence South 40 degrees 39 minutes 42 seconds East 25.08 feet to a point; thence South 10 degrees 53 minutes 27 seconds West 20.30 feet to a point; thence South 08 degrees 46 minutes 36 seconds East 23.99 feet to a point; thence South 07 degrees 42 minutes 03 seconds West 98.83 feet to a point; thence leaving the creek, South 57 degrees 34 minutes 06 seconds West 257.00 feet to an iron pin; thence South 57 degrees 34 minutes 06 seconds West 53.76 feet to a point in the middle of the Henry Fork River; thence continuing in the Henry Fork River for two (2) calls, North 37 degrees 23 minutes 53 seconds West 332.49 feet to a point; thence North 33 degrees 08 minutes 01 seconds West 280.56 feet to a point; thence leaving the Henry Fork River, North 36 degrees 19 minutes 02 seconds East 40.45 feet to an iron pin in the line of Cline's Dairy, Inc. (now or formerly); thence with the line of Cline's Dairy, Inc., North 36 degrees 19 minutes 02 seconds East 1657.66 feet to an old corner iron set in the line of the property of C. Michael Nicks and wife, Sally A. Nicks (now or formerly); thence with the line of Nicks for two (2) calls, South 66 degrees 21 minutes 10 seconds East 295.80 feet to an iron pin; thence South 66 degrees 12 minutes 23 seconds East 127.23 feet to an old corner iron, the point of **BEGINNING**, and containing 21.104 acres, more or less, according to a survey dated February 11, 1997 by John C. Vaughn, RLS and entitled "Property of C. Michael Nicks and wife, Sally A. Nicks."

Together with that certain easement and right of way for personal and vehicular traffic for ingress and egress to and from the above-described property, as described in a deed of easement recorded in Book 1498 at Page 960 in the Catawba County Registry.

3886-1044

For partial chain of title, see those deeds recorded in Book 2884 at Page 1905 and Book 2019 at Page 636 in the Catawba County Registry.

This parcel is shown as Parcel Identification Number (PIN): 3701 - 12 - 75 - 5345 and LRK(Reid): 42905 in the Office of the Catawba County Tax Assessor.

Tract Two:

All that certain lot or parcel of land situated in Hickory Township, Catawba County, North Carolina and being more particularly described as follows:

BEGINNING at an iron pin located in the western line of Harry Barger and in the eastern line of Zelda Goodman near the barn, and running thence North 13 degrees 30 minutes East, a distance of 100 feet to an iron pin, a new corner; thence an new line, South 85 degrees 13 minutes West, a distance of 282 feet to an iron pin, another new corner; thence another new line, North 00 degrees 05 minutes East 54 feet to another new corner in the roadway; thence with the roadway, South 73 degrees 29 minutes West 450 feet to an iron pin, another new corner in the roadway; thence leaving the roadway, a new line, South 14 degrees 08 minutes West, a distance of 837 feet to an iron pin, another new corner; thence another new line, North 87 degrees 15 minutes East, a distance of 707.2 feet to an iron pin, a new corner in the Harry Barger line; thence with the western line of Harry Barger, North 13 degrees 30 minutes East, a distance of 800 feet, more or less, to an iron pin, an old corner, the point of the **BEGINNING**. Containing 13.82 acres, more or less, according to a plat of G. Sam Rowe, Sr., dated 03/08/80, and being a part of the first tract as described in Book 344 at Page 406 in the Catawba County Registry.

For partial chain of title, see those deeds recorded in Book 2884 at Page 1905 and Book 2010 at Page 1918 in the Catawba County Registry.

This parcel is shown as Parcel Identification Number (PIN): 3701 - 08 - 77 - 5545 and LRK(Reid): 42903 in the Office of the Catawba County Tax Assessor.

Tract Three:

Being all of that certain tract lying and being in Hickory Township, Catawba County, North Carolina, and more particularly described as follows:

BEGINNING at an iron stake set in the southern margin of the right of way for 16th Avenue Drive, S.E. (State Road Number 1173), the northeast corner of the property of Lois Deese, recorded in Plat Book 25 at

3886-1045

Page 14, Catawba County Registry, and thence in the right of way for said 16th Avenue Drive, S.E., for two (2) calls, North 79 degrees 00 minutes 56 seconds East 442.37 feet to a point; thence North 70 degrees 17 minutes 06 seconds East 194.35 feet to a point; thence to the southern edge of the right of way for 16th Avenue Drive, S.E., South 10 degrees 13 minutes 45 seconds West 31.65 feet to an iron stake in the line of Harry L. Jenkins (now or formerly); then with the line of Jenkins, South 10 degrees 13 minutes 45 seconds West 744.26 feet to an iron stake in the line of George A. Swanson and Harry R. Barger (now or formerly); thence with the line of Swanson and Barger for two (2) calls, South 85 degrees 31 minutes 30 seconds West 160.01 feet to a concrete monument; thence South 17 degrees 45 minutes West 251.37 feet to an iron pin, a corner of the property of Earl Goodman (now or formerly); thence with the line of Goodman, South 85 degrees 08 minutes 40 seconds West 281.64 feet to an iron stake, a corner of Goodman; thence continuing with the line of Goodman, North 07 degrees 56 minutes 54 seconds East 57.53 feet to an iron stake located in the old Brookford Road, a corner to Fred L. Goodman (now or formerly); thence with the line of Goodman for three (3) calls, North 03 degrees 06 minutes 40 seconds West 55.44 feet to an iron stake; thence North 14 degrees 03 minutes 22 seconds West 50.00 feet to an iron stake; thence North 35 degrees 31 minutes 14 seconds West 124.83 feet to an iron pin, a corner to Goodman and Bobby F. Morrison (now or formerly); thence with the line of Morrison for three (3) calls, North 59 degrees 16 minutes 55 seconds West 297.93 feet to an iron pin; thence North 59 degrees 18 minutes 55 seconds West 30.00 feet to an iron pin; thence North 18 degrees 06 minutes 06 seconds West 189.76 feet to an old stone corner, a corner to the Lois Deese property, as shown in Plat Book 25 at Page 14, Catawba County Registry; thence with the Deese property for two (2) calls, North 84 degrees 12 minutes 51 seconds East 409.28 feet to an iron pin; thence North 12 degrees 27 minutes 11 seconds East 244.04 feet to the point of BEGINNING and containing 13.589 acres, more or less, as shown on a survey dated September 16, 1996 by John C. Vaughn, R.L.S., and entitled "Property of Zelda B. Goodman Estate."

For partial chain of title, see those deeds recorded in Book 2884 at Page 1905 and Book 2010 at Page 1920 in the Office of the Register of Deeds for Catawba County, North Carolina.

This parcel is shown as Parcel Identification Number (PIN): 3701-08-78-9470 and LRK(Reid). 42901 in the Office of the Catawba County Tax Assessor.

Tract Four:

Being all of that certain tract lying and being in Hickory Township, Catawba County, North Carolina and being more particularly described as follows:

BEING all of Tract Three, as shown on that plat entitled "Property of Zelda H. Goodman" dated July 21, 1993 by Vaughn & Bradshaw Surveying Co., and being recorded in Plat Book 33 at Page 183 in the Office of

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the Register of Deeds for Catawba County, North Carolina, and containing 77.20 acres, more or less, to which plat reference is hereby made for greater certainty of description.

For partial chain of title, see those deeds recorded in Book 2884 at Page 1905 and Book 2010 at Page 1920 in the Office of the Register of Deeds for Catawba County, North Carolina.

This parcel is shown as Parcel Identification Number (PIN): 3701 – 11 – 66 – 6796 and LRK(Rcid): 42890 in the Office of the Catawba County Tax Assessor.

WEB

3886-1047

FILED ELECTRONICALLY
CATAWBA COUNTY NC
DONNA HICKS SPENCER

FILED Aug 01, 2024
AT 08:51:00 AM
BOOK 03886
START PAGE 1047
END PAGE 1052
INSTRUMENT # 13523
EXCISE TAX \$0.00
MR

NORTH CAROLINA NON-WARRANTY DEED

Excise Tax:	\$0.00
Parcel ID:	0042890, 0042901, 0042903, and 0042905
Mail/Box to:	Grantee
Prepared by:	Hamilton Stephens Steele & Martin, PLLC (GWS) 525 N. Tryon Street, Ste 1400, Charlotte, NC 28202 (*no title search performed*)
Brief description for the Index:	Approximately 126 acres near Catawba Valley Blvd, Catawba County, NC

THIS NON-WARRANTY DEED ("Deed") is made on the 30 day of July, 2024, by and between:

GRANTOR	GRANTEE
Blueberry Farms, LLC a North Carolina limited liability company Mailing Address: 4455 NC Highway Newton, NC 28658	Blueberry Farm Hickory LLC, a North Carolina limited liability company Mailing Address: 118 E. Kingston Ave., Ste 16 Charlotte, NC 28203

Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all of its right, title, and interest in and to that certain lot, parcel of land or condominium unit in Catawba County, North Carolina and more particularly described as follows (the "Property"): See attached Exhibit A.

All or a portion of the Property was acquired by Grantor by instrument recorded in Book _____, page _____.

All or a portion of the Property includes or does not include the primary residence of a Grantor.

A map showing the Property is recorded in Plat Book _____, page _____.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. **Grantor makes no warranty of title to the Property.**

[signature and notarization on following page]

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IN WITNESS WHEREOF, Grantor has duly executed this North Carolina Non-Warranty Deed, if an entity by its duly authorized representative.

Blueberry Farms, LLC

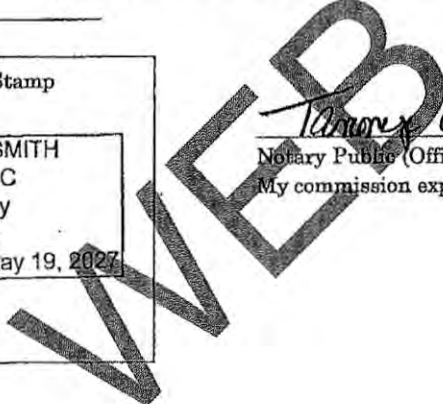
By: *Michael Dorsey*
Name: Michael Dorsey
Title: Manager

STATE OF North Carolina, COUNTY OF Catawba

I *Tammye Essary Smith*, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 25 day of July, 2024 each acknowledging to me that he or she signed the foregoing document, in the capacity represented and identified therein (if any):
Michael Dorsey

Affix Notary Seal/Stamp
TAMMYE ESSARY SMITH
NOTARY PUBLIC
Catawba County
North Carolina
My Commission Expires May 19, 2027

Tammye Essary Smith
Notary Public (Official Signature)
My commission expires: 5/19/27



3886-1049

EXHIBIT A
LEGAL DESCRIPTION

BLUEBERRY FARMS, LLC, PARCEL I

Being Catawba County PID 370112755345, Property of Blueberry Farms LLC as recorded as Tract 1 of Deed Book 3497 Page 1092 of the Catawba County Public Registry.

BEGINNING at a found iron pipe at the northwestern corner of the City of Hickory property as recorded in Deed Book 895 Page 260 and Deed Book 1658 Page 743 of the Catawba County public registry thence with said property twelve (12) courses; 1.) S 34° 09' 36" W passing through a found iron pipe at 1411.38 feet for a total distance of 1435.17 feet to a point, 2.) S 08° 54' 36" W for a distance of 26.95 feet to a point, 3.) S 13° 59' 17" E for a distance of 72.25 feet to a point, 4.) S 40° 35' 29" W for a distance of 19.19 feet to a point, 5.) S 58° 08' 59" W for a distance of 10.60 feet to a point, 6.) S 28° 13' 55" E for a distance of 20.84 feet to a point, 7.) S 00° 19' 31" W for a distance of 32.62 feet to a point, 8.) S 39° 34' 41" E for a distance of 25.08 feet to a point, 9.) S 11° 58' 28" W for a distance of 20.30 feet to a point, 10.) S 07° 41' 35" E for a distance of 23.99 feet to a point, 11.) S 08° 47' 04" W for a distance of 98.83 feet to a point, 12.) S 58° 39' 07" W for a distance of 310.76 feet to a point in Henry Fork River and on the eastern boundary of the Donna Lee Wood and Hal Nelson Wood property as recorded in deed Book 1797 Page 105 and Deed Book 936 page 236 of the Catawba County public registry, thence with said River and said property two (2) courses; 1.) N 36° 18' 52" W for a distance of 332.49 feet to a point, 2.) N 32° 03' 53" W for a distance of 281.39 feet to a point on the southeastern line of the Cline Dairy Inc. property as recorded in Deed Book 336 Page 436 of the Catawba County public registry, thence with said property N 37° 24' 03" E for a distance of 1698.11 feet to a found iron pipe on the line of the Blueberry Farms LLC property as recorded as Tract 4 in deed Book 3497 Page 1092, thence with said line S 65° 13' 14" E a distance of 423.79 feet to the POINT OF BEGINNING, containing 920,778 SF or 21.138 acres of land, more or less.

BLUEBERRY FARMS, LLC, PARCEL II

Being Catawba County PID 370108775545, Property of Blueberry Farms LLC as recorded as Tract 2 of Deed Book 3497 Page 1092 of the Catawba County Public Registry.

Commencing at a point in the right of way of Catawba Valley Parkway, said point being N 12° 20' 07" E a distance of 31.35 feet from a found axle at the northwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, thence with said property S 12° 20' 07" W for a distance of 775.57 feet to a found angle iron on the northern line of the Kogent LLC property recorded as Parcel I in Deed Book 3731 Page 960 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 29' 29" W for a distance of 160.05 feet to a found monument, 2.) S 19° 52' 32" W for a distance of 250.81 feet to a found iron pipe at the POINT OF BEGINNING thence continuing with said Kogent LLC Parcel 1, S 14° 48' 31" W passing through a found iron rod at 55.30 feet for a total distance of 895.56 feet to a found iron rod at a corner of the Blueberry Farms LLC property recorded as Tract IV in Deed Book 3497 Page 1092

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of the Catawba County public registry, thence with said property two (2) courses; 1.) S 88° 46' 02" W for a distance of 704.48 feet to a point, 2.) N 15° 12' 03" E for a distance of 837.04 feet to a point on the southern line of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property N 75° 16' 54" E for a distance of 457.37 feet to a found iron rod on the western line of another Blueberry Farms LLC property recorded as Tract III in Deed Book 3497 Page 1092 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 09° 52' 27" W for a distance of 57.55 feet to a found iron rod, 2.) N 87° 12' 34" E for a distance of 281.58 feet to the POINT OF BEGINNING, containing 600,765 SF or 13.792 acres of land, more or less.

BLUEBERRY FARMS, LLC, PARCEL III

Being Catawba County PID 370108789470, Property of Blueberry Farms LLC as recorded as Tract 3 of Deed Book 3497 Page 1092 of the Catawba County Public Registry.

Beginning at a point in the right of way of Catawba Valley Parkway, said point being N 12° 20' 07" E a distance of 31.35 feet from a found axle at the northwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, thence with said property S 12° 20' 07" W for a distance of 775.57 feet to a found angle iron on the northern line of the Kogent LLC property recorded as Parcel I in Deed Book 3731 Page 960 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 29' 29" W for a distance of 160.05 feet to a found monument, 2.) S 19° 52' 32" W for a distance of 250.81 feet to a found iron pipe at the northeastern corner of the Blueberry Farms LLC property recorded as Tract II in Deed Book 3497 Page 1092 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 12' 34" W for a distance of 281.58 feet to a found iron rod, 2.) N 09° 52' 27" E for a distance of 57.55 feet to a found iron rod at a corner of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property five (5) courses; 1.) N 00° 59' 26" W for a distance of 55.36 feet to a found iron rod, 2.) N 11° 55' 13" W passing through a found iron rod at 13.77 feet for a total distance of 50.02 feet to a set iron rod, 3.) N 33° 24' 44" W for a distance of 124.83 feet to a found iron rod, 4.) N 57° 09' 43" W passing through a found iron rod at 297.82 feet for a total distance of 327.66 feet to a set iron rod, 5.) N 15° 59' 17" W for a distance of 190.06 feet to a found stone at the southwestern corner of the Miki C Weaver property as recorded in Deed Book 3573 Page 517 as recorded in Catawba County public registry, thence with said property two (2) courses; 1.) N 86° 20' 57" E for a distance of 407.25 feet to a found iron rod, 2.) N 14° 33' 48" E for a distance of 243.49 feet to a set iron rod, thence within the right of way of Catawba Valley Parkway two (2) courses; 1.) N 81° 07' 28" E for a distance of 442.27 feet to a point, 2.) N 72° 23' 02" E for a distance of 194.40 feet to the POINT OF BEGINNING, containing 591,486 SF or 13.579 acres of land, more or less.

BLUEBERRY FARMS, LLC PARCEL IV

Being Catawba County PID 370111666796, Property of Blueberry Farms LLC as recorded as Tract 4 of Deed Book 3497 Page 1092 of the Catawba County Public Registry.

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Beginning at a set iron rod in the 50' future right of way of 3rd Street Place SE as shown on Plat Book 33 Page 183 of the Catawba County public registry, said point being at the northwestern corner of the Blueberry Farms LLC property recorded as Tract II in Deed Book 3497 Page 1092 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 15° 12' 03" W for a distance of 837.04 feet to a point, 2.) N 88° 46' 02" E for a distance of 704.48 feet to a found iron rod on the western line of the Kogent LLC property recorded as Parcel I of Deed Book 3731 Page 960 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 14° 48' 31" W passing through found iron rods at 101.93 feet and 166.04 feet for a total distance of 244.61 feet to a found stone, 2.) N 86° 08' 04" E for a distance of 1018.03 feet to a set iron rod at the southwestern corner of the Mike R Terry property as recorded in Deed Book 2995 Page 391 of the Catawba County public registry, thence with said property) N 86° 08' 04" E for a distance of 114.09 feet to a found axle at the northwestern corner of the John Lee Barger and Gilda Mae B Barger property as recorded in Deed Book 1037 Page 36 of the Catawba County public registry, thence with said property and the John Lee Barger and Gilda Mae B Barger property as recorded in Deed Book 1036 Page 473 of the Catawba County public registry S 25° 45' 16" W passing through found iron rods at 87.88 feet and 221.44 feet for a total distance of 1236.74 feet to a found iron pipe on the northern line of the City of Hickory property as recorded in Deed Book 895 page 260 and deed Book 1658 Page 743 of the Catawba County public registry thence with said property N 65° 07' 24" W passing through a found iron rod at 65.43 feet for a total distance of 247.92 feet to a found iron pipe at the northeastern corner of the Blueberry Farms LLC property recorded as Tract I in Deed Book 3497 Page 1092 of the Catawba County public registry, thence with said property N 65° 13' 14" W for a distance of 423.79 feet to a found iron pipe at the northeastern corner of the Clines Dairy Inc property recorded as Deed Book 336 Page 436 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 65° 29' 18" W for a distance of 513.36 feet to a found stone, 2.) S 52° 46' 21" W for a distance of 765.31 feet to a found iron pipe at the northeastern corner of the Clines Dairy Inc property recorded as Deed Book 1222 Page 273 of the Catawba County public registry, thence with said property N 68° 19' 00" W for a distance of 1682.78 feet to a found iron pipe at the southeastern corner of the Carolina Solvents property as recorded in Deed Book 1852 page 1259 of the Catawba County public registry, thence with said property N 30° 22' 28" E for a distance of 436.94 feet to a found iron pipe at the southeastern corner of the City of Hickory property as recorded in deed Book 2098 page 1017, thence with said property N 29° 16' 08" E for a distance of 173.22 feet to a found iron pipe at the southwestern corner of the Frederico Adrian Depaz and Maria Roselbee Sanchez Munoz property as recorded in Deed Book 3449 Page 1200 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 62° 40' 47" E for a distance of 174.11 feet to a found iron pipe, 2.) S 79° 05' 59" E for a distance of 119.92 feet to a found axle at the southwestern corner of the Rose Ann Evans property as recorded in Deed Book 3421 Page 1804 of the Catawba County public registry, thence with said property N 81° 24' 29" E for a distance of 541.76 feet to a found iron rod at the southwestern corner of the Henry Clay Evans and Rose Ann Evans property as recorded in Deed Book 1215 Page 47 of the Catawba County public registry, thence with said property N 76° 28' 20" E for a distance of 221.16 feet to a set iron rod at the southwestern corner of the Henry Clay Evans and Rose W Evans and Loretta Evans Carpenter property as recorded in Deed Book

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2510 Page 567 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 85° 38' 36" E for a distance of 426.90 feet to a found iron pipe, 2.) N 24° 32' 39" W for a distance of 472.84 feet to a found iron pipe on the southern line of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property three (3) courses; 1.) N 74° 17' 06" E for a distance of 282.18 feet to a found iron rod, 2 N 04° 49' 57" E for a distance of 214.80 feet to a set iron rod, 3.) N 75° 16' 54" E for a distance of 400.78 feet to the POINT OF BEGINNING, containing 3,362,399 SF or 77.190 acres of land, more or less.

WEB

BLUEBERRY FARM HICKORY, LLC, PARCEL I

Being Catawba County PID 370108875621, Property of Blueberry Farm Hickory LLC as recorded as Parcel I of Deed Book 3886 Page 1053 of the Catawba County Public Registry.

BEGINNING at a found angle iron at the southwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, said iron being S 12° 20' 07" E a distance of 744.09 feet from a found axle on the Southern right of way of Catawba Valley Parkway, thence with the Clinton Tabernacle African Methodist Episcopal Zion Church property N 88° 06' 32" E for a distance of 446.14 feet to a set iron rod at the northwestern corner of the Shawn A and Rachel E Shepherd property as recorded in Deed Book 3458 Page 1171 of the Catawba County public registry, thence with said property three (3) courses; 1.) S 27° 37' 54" W for a distance of 139.53 feet to a found iron pipe 2.) S 57° 19' 55" W for a distance of 125.70 feet to a found iron pipe, 3.) S 69° 00' 14" E for a distance of 256.32 feet to a found iron pipe on the northern right of way of 20th Avenue SE, thence with the terminus of said right of way S 63° 39' 25" E for a distance of 60.09 feet to a found iron pipe at the northwestern corner of the Randy G Gibson property as recorded in Deed Book 3792 Pages 1544 and 1545 of the Catawba County public registry, thence with said property three (3) courses; 1.) with a curve turning to the left having a radius of 181.95 feet, an arc length of 34.65 feet and whose long chord bears S 24° 47' 47" W for a distance of 34.60 feet to a set iron rod, 2.) S 19° 20' 25" W for a distance of 184.28 feet to a found iron pipe, 3.) S 72° 55' 16" E for a distance of 280.18 feet to a set iron rod at the northwestern corner of the Peggy Stafford Barger property as recorded in Deed Book 331 page 155 of the Catawba County public registry, thence with said property S 58° 38' 14" W for a distance of 345.54 feet to a set iron rod at the northeastern corner of the Blueberry Farm Hickory LLC property as recorded as Parcel II, Tract 1 in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 52° 47' 20" W for a distance of 101.47 feet to a point, 2.) with a curve turning to the right having a radius of 180.03 feet, an arc length of 126.05 feet and whose long chord bears S 75° 59' 13" W for a distance of 123.49 feet to a point at the northeastern corner of another Blueberry Farm Hickory LLC property, recorded as Parcel II, Tract 2 in Deed Book 3886 Page 1053, thence with said property seven (7) courses; 1.) N 83° 57' 17" W for a distance of 116.36 feet to a point, 2.) S 23° 59' 50" W for a distance of 41.50 feet to a point, 3.) S 60° 43' 50" W for a distance of 51.00 feet to a point, 4.) S 26° 34' 50" W for a distance of 97.00 feet to a point, 5.) S 02° 13' 50" W for a distance of 41.74 feet to a point, 6.) S 70° 26' 10" E for a distance of 67.14 feet to a point, 7.) N 79° 41' 50" E for a distance of 142.50 feet to a point at the southwestern corner of the aforementioned Blueberry Farm Hickory LLC Parcel II, Tract 1, thence with said tract 1 two (2) courses; 1.) N 79° 42' 32" E for a distance of 74.59 feet to a point, 2.) N 64° 09' 50" E for a distance of 164.07 feet to a point on the western line of the Donald Edward Lail and Sylvia L Lail property as recorded in Deed Book 1986 page 992 of the Catawba County public registry, thence with said property S 01° 42' 55" E for a distance of 227.93 feet to a found iron pipe at the northwestern corner of the Mike R Terry property as recorded in Deed Book 2995 page 391 of the Catawba County public registry, thence with said property S 01° 12' 22" E for a distance of 226.33 feet to a set iron rod on the line of the Blueberry Farm Hickory LLC property recorded as Tract IV in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property S 86° 08' 04" W for a distance of 1018.03 feet to a found stone, thence continuing with said property and another Blueberry Farm Hickory LLC property recorded as Tract II of Deed Book 3886 Page 1040 N 14° 48' 31" E passing through found iron rods at 78.57 feet, 142.68 feet, 244.61 feet and 1084.86 feet for a total distance of 1140.16 feet to a found iron pipe at the southeastern corner of another Blueberry Farm Hickory LLC property recorded as Tract III of Deed Book 3886 Page 1040, thence with said tract two (2) courses; 1.) N 19° 52' 32" E for a distance of 250.81 feet to a found monument, 2.) N 87° 29' 29" E a distance of 160.05 feet to the POINT OF BEGINNING, containing 1,046,660 SF or 24.028 acres of land, more or less.

BLUEBERRY FARM HICKORY PARCEL II TRACT 1

Being Catawba County PID 370112877400, Property of Blueberry Farm Hickory LLC as recorded as Parcel II, Tract 1 of Deed Book 3886 Page 1053 of the Catawba County Public Registry.

Commencing at a found iron pipe at the eastern terminus of 20th Avenue SE, being the southwestern corner of the Randy G Gibson property as recorded in Deed Book 3792 Page 1544 of the Catawba County public registry, thence with said property S 72° 55' 16" E for a distance of 280.18 feet to a set iron rod at the northwestern corner of the Peggy Stafford Barger property as recorded in Deed Book 331 page 155 of the Catawba County public registry, thence with said property S 58° 38' 14" W for a distance of 345.54 feet to a set iron rod at the Point of BEGINNING, thence continuing with said Barger property S 01° 42' 55" E for a distance of 59.78 feet to a point at a corner of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 64° 09' 50" W for a distance of 164.07 feet to a point, 2.) S 79° 42' 32" W for a distance of 74.59 feet to a point at the southeastern corner of another Blueberry Farm Hickory LLC property recorded as Parcel II Tract 2, thence with said property N 06° 02' 43" E for a distance of 177.03 feet to a point on the aforementioned Blueberry Farm Hickory LLC Parcel I property, thence with said line two (2) courses; 1.) with a curve turning to the left having a radius of 180.03 feet, an arc length of 126.05 feet and whose long chord bears N 75° 59' 13" E for a distance of 123.49 feet to a point, 2.) S 52° 47' 20" E for a distance of 101.47 feet to the POINT OF BEGINNING, containing 30,254SF or 0.695 acres of land, more or less.

BLUEBERRY FARM HICKORY PARCEL II TRACT 2

Being Catawba County PID 370112875316, Property of Blueberry Farm Hickory LLC as recorded as Parcel II, Tract 2 of Deed Book 3886 Page 1053 of the Catawba County Public Registry.

Commencing at a found iron pipe at the eastern terminus of 20th Avenue SE, being the southwestern corner of the Randy G Gibson property as recorded in Deed Book 3792 Page 1544 of the Catawba County public registry, thence with said property S 72° 55' 16" E for a distance of 280.18 feet to a set iron rod at the northwestern corner of the Peggy Stafford Barger property as recorded in Deed Book 331 page 155 of the Catawba County public registry, thence with said property S 58° 38' 14" W for a distance of 345.54 feet to a set iron rod, thence continuing with said Barger property S 01° 42' 55" E for a distance of 59.78 feet to a point at a corner of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 64° 09' 50" W for a distance of 164.07 feet to a point, 2.) S 79° 42' 32" W for a distance of 74.59 feet to the Point of BEGINNING, thence continuing with said Blueberry Farm Hickory LLC Parcel I seven (7) courses; 1.) S 79° 41' 50" W for a distance of 142.50 feet to a point, 2.) N 70° 26' 10" W for a distance of 67.14 feet to a point, 3.) N 02° 13' 50" E for a distance of 41.74 feet to a point, 4.) N 26° 34' 50" E for a distance of 97.00 feet to a point, 5.) N 60° 43' 50" E for a distance of 51.00 feet to a point, 6.) N 23° 59' 50" E for a distance of 41.50 feet to a point, 7)thence S 83° 57' 17" E a distance of 116.36 feet to a point at the northwestern corner of another Blueberry Farm Hickory LLC property recorded as Parcel II, Tract 1 in Deed Book 3886 Page 1053, thence with said property S 06° 02' 43" W for a distance of 177.03 feet to the POINT OF BEGINNING, containing 34,712 SF or 0.797 acres of land, more or less.

BLUEBERRY FARM, LLC, PARCEL I

Being Catawba County PID 370112755345, Property of Blueberry Farm Hickory LLC as recorded as Tract 1 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

BEGINNING at a found iron pipe at the northwestern corner of the City of Hickory property as recorded in Deed Book 895 Page 260 and Deed Book 1658 Page 743 of the Catawba County public registry thence with said property twelve (12) courses; 1.) S 34° 09' 36" W passing through a found iron pipe at 1411.38 feet for a total distance of 1435.17 feet to a point, 2.) S 08° 54' 36" W for a distance of 26.95 feet to a point, 3.) S 13° 59' 17" E for a distance of 72.25 feet to a point, 4.) S 40° 35' 29" W for a distance of 19.19 feet to a point, 5.) S 58° 08' 59" W for a distance of 10.60 feet to a point, 6.) S 28° 13' 55" E for a distance of 20.84 feet to a point, 7.) S 00° 19' 31" W for a distance of 32.62 feet to a point, 8.) S 39° 34' 41" E for a distance of 25.08 feet to a point, 9.) S 11° 58' 28" W for a distance of 20.30 feet to a point, 10.) S 07° 41' 35" E for a distance of 23.99 feet to a point, 11.) S 08° 47' 04" W for a distance of 98.83 feet to a point, 12.) S 58° 39' 07" W for a distance of 310.76 feet to a point in Henry Fork River and on the eastern boundary of the Donna Lee Wood and Hal Nelson Wood property as recorded in deed Book 1797 Page 105 and Deed Book 936 page 256 of the Catawba County public registry, thence with said River and said property two (2) courses; 1.) N 36° 18' 52" W for a distance of 332.49 feet to a point, 2.) N 32° 03' 53" W for a distance of 281.39 feet to a point on the southeastern line of the Cline Dairy Inc. property as recorded in Deed Book 336 Page 436 of the Catawba County public registry, thence with said property N 37° 24' 03" E for a distance of 1698.11 feet to a found iron pipe on the line of the Blueberry Farm Hickory LLC property as recorded as Tract 4 in deed Book 3886 Page 1040, thence with said line S 65° 13' 14" E a distance of 423.79 feet to the POINT OF BEGINNING, containing 920,778 SF or 21.138 acres of land, more or less.

BLUEBERRY FARMS, LLC, PARCEL II

Being Catawba County PID 370108775545, Property of Blueberry Farm Hickory LLC as recorded as Tract 2 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

Commencing at a point in the right of way of Catawba Valley Parkway, said point being N 12° 20' 07" E a distance of 31.35 feet from a found axle at the northwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, thence with said property S 12° 20' 07" W for a distance of 775.57 feet to a found angle iron on the northern line of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 29' 29" W for a distance of 160.05 feet to a found monument, 2.) S 19° 52' 32" W for a distance of 250.81 feet to a found iron pipe at the POINT OF BEGINNING thence continuing with said Blueberry Farm Hickory LLC Parcel 1, S 14° 48' 31" W passing through a found iron rod at 55.30 feet for a total distance of 895.56 feet to a found iron rod at a corner of the Blueberry Farm Hickory LLC property recorded as Tract IV in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 88° 46' 02" W for a distance of 704.48 feet to a point, 2.) N 15° 12' 03" E for a distance of 837.04 feet to a point on the southern line of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property N 75° 16' 54" E for a distance of 457.37 feet to a found iron rod on the western line of another Blueberry Farm Hickory LLC property recorded as Tract III in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 09° 52' 27" W for a distance of 57.55 feet to a found iron rod, 2.) N 87° 12' 34" E for a distance of 281.58 feet to the POINT OF BEGINNING, containing 600,765 SF or 13.792 acres of land, more or less.

BLUEBERRY FARM HICKORY LLC, PARCEL III

Being Catawba County PID 370108789470, Property of Blueberry Farm Hickory LLC as recorded as Tract 3 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

Beginning at a point in the right of way of Catawba Valley Parkway, said point being N 12° 20' 07" E a distance of 31.35 feet from a found axle at the northwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, thence with said property S 12° 20' 07" W for a distance of 775.57 feet to a found angle iron on the northern line of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 29' 29" W for a distance of 160.05 feet to a found monument, 2.) S 19° 52' 32" W for a distance of 250.81 feet to a found iron pipe at the northeastern corner of the Blueberry Farm Hickory LLC property recorded as Tract II in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 12' 34" W for a distance of 281.58 feet to a found iron rod, 2.) N 09° 52' 27" E for a distance of 57.55 feet to a found iron rod at a corner of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property five (5) courses; 1.) N 00° 59' 26" W for a distance of 55.36 feet to a found iron rod, 2.) N 11° 55' 13" W passing through a found iron rod at 13.77 feet for a total distance of 50.02 feet to a set iron rod, 3.) N 33° 24' 44" W for a distance of 124.83 feet to a found iron rod, 4.) N 57° 09' 43" W passing through a found iron rod at 297.82 feet for a total distance of 327.66 feet to a set iron rod, 5.) N 15° 59' 17" W for a distance of 190.06 feet to a found stone at the southwestern corner of the Miki C Weaver property as recorded in Deed Book 3573 Page 517 as recorded in Catawba County public registry, thence with said property two (2) courses; 1.) N 86° 20' 57" E for a distance of 407.25 feet to a found iron rod, 2.) N 14° 33' 48" E for a distance of 243.49 feet to a set iron rod, thence within the right of way of Catawba Valley Parkway two (2) courses; 1.) N 81° 07' 28" E for a distance of 442.27 feet to a point, 2.) N 72° 23' 02" E for a distance of 194.40 feet to the POINT OF BEGINNING, containing 591,486 SF or 13.579 acres of land, more or less.

BLUEBERRY FARM HICKORY LLC PARCEL IV

Being Catawba County PID 370111666796, Property of Blueberry Farm Hickory LLC as recorded as Tract 4 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

Beginning at a set iron rod in the 50' future right of way of 3rd Street Place SE as shown on Plat Book 33 Page 183 of the Catawba County public registry, said point being at the northwestern corner of the Blueberry Farm Hickory LLC property recorded as Tract II in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 15° 12' 03" W for a distance of 837.04 feet to a point, 2.) N 88° 46' 02" E for a distance of 704.48 feet to a found iron rod on the western line of the Blueberry Farm Hickory LLC property recorded as Parcel I of Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 14° 48' 31" W passing through found iron rods at 101.93 feet and 166.04 feet for a total distance of 244.61 feet to a found stone, 2.) N 86° 08' 04" E for a distance of 1018.03 feet to a set iron rod at the southwestern corner of the Mike R Terry property as recorded in Deed Book 2995 Page 391 of the Catawba County public registry, thence with said property) N 86° 08' 04" E for a distance of 114.09 feet to a found axle at the northwestern corner of the John Lee Barger and Gilda Mae B Barger property as recorded in Deed Book 1037 Page 36 of the Catawba County public registry, thence with said property and the John Lee Barger and Gilda Mae B Barger property as recorded in Deed Book 1036 Page 473 of the Catawba County public registry S 25° 45' 16" W passing through found iron rods at 87.88 feet and 221.44 feet for

a total distance of 1236.74 feet to a found iron pipe on the northern line of the City of Hickory property as recorded in Deed Book 895 page 260 and deed Book 1658 Page 743 of the Catawba County public registry thence with said property N 65° 07' 24" W passing through a found iron rod at 65.43 feet for a total distance of 247.92 feet to a found iron pipe at the northeastern corner of the Blueberry Farm Hickory LLC property recorded as Tract I in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property N 65° 13' 14" W for a distance of 423.79 feet to a found iron pipe at the northeastern corner of the Clines Dairy Inc property recorded as Deed Book 336 Page 436 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 65° 29' 18" W for a distance of 513.36 feet to a found stone, 2.) S 52° 46' 21" W for a distance of 765.31 feet to a found iron pipe at the northeastern corner of the Clines Dairy Inc property recorded as Deed Book 1222 Page 273 of the Catawba County public registry, thence with said property N 68° 19' 00" W for a distance of 1682.78 feet to a found iron pipe at the southeastern corner of the Carolina Solvents property as recorded in Deed Book 1852 page 1259 of the Catawba County public registry, thence with said property N 30° 22' 28" E for a distance of 436.94 feet to a found iron pipe at the southeastern corner of the City of Hickory property as recorded in deed Book 2098 page 1017, thence with said property N 29° 16' 08" E for a distance of 173.22 feet to a found iron pipe at the southwestern corner of the Frederico Adrian Depaz and Maria Roselbee Sanchez Munoz property as recorded in Deed Book 3449 Page 1200 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 62° 40' 47" E for a distance of 174.11 feet to a found iron pipe, 2.) S 79° 05' 59" E for a distance of 119.92 feet to a found axle at the southwestern corner of the Rose Ann Evans property as recorded in Deed Book 3421 Page 1804 of the Catawba County public registry, thence with said property N 81° 24' 29" E for a distance of 541.76 feet to a found iron rod at the southwestern corner of the Henry Clay Evans and Rose Ann Evans property as recorded in Deed Book 1215 Page 47 of the Catawba County public registry, thence with said property N 76° 28' 20" E for a distance of 221.16 feet to a set iron rod at the southwestern corner of the Henry Clay Evans and Rose W Evans and Loretta Evans Carpenter property as recorded in Deed Book 2510 Page 567 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 85° 38' 36" E for a distance of 426.90 feet to a found iron pipe, 2.) N 24° 32' 39" W for a distance of 472.84 feet to a found iron pipe on the southern line of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property three (3) courses; 1.) N 74° 17' 06" E for a distance of 282.18 feet to a found iron rod, 2 N 04° 49' 57" E for a distance of 214.80 feet to a set iron rod, 3.) N 75° 16' 54" E for a distance of 400.78 feet to the POINT OF BEGINNING, containing 3,362,399 SF or 77.190 acres of land, more or less.

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

ANNEXATION ORDINANCE NO. 506

VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)

Blueberry Farm Hickory LLC

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 15th day of October, 2024; and

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

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

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

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

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

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

Contiguous Annexation
by the City of Hickory
of the property known as
Blueberry Farm Hickory LLC

BLUEBERRY FARM HICKORY, LLC, PARCEL I
Being Catawba County PID 370108875621, Property of Blueberry Farm Hickory LLC as recorded as Parcel I of Deed Book 3886 Page 1053 of the Catawba County Public Registry.

BEGINNING at a found angle iron at the southwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, said iron being S 12° 20' 07" E a distance of 744.09 feet from a found axle on the Southern right of way of Catawba Valley Parkway, thence with the Clinton Tabernacle African Methodist Episcopal Zion Church property N 88° 06' 32" E for a distance of 446.14 feet to a set iron rod at the northwestern corner of the Shawn A and Rachel E Shepherd

property as recorded in Deed Book 3458 Page 1171 of the Catawba County public registry, thence with said property three (3) courses; 1.) S 27° 37' 54" W for a distance of 139.53 feet to a found iron pipe 2.) S 57° 19' 55" W for a distance of 125.70 feet to a found iron pipe, 3.) S 69° 00' 14" E for a distance of 256.32 feet to a found iron pipe on the northern right of way of 20th Avenue SE, thence with the terminus of said right of way S 63° 39' 25" E for a distance of 60.09 feet to a found iron pipe at the northwestern corner of the Randy G Gibson property as recorded in Deed Book 3792 Pages 1544 and 1545 of the Catawba County public registry, thence with said property three (3) courses; 1.) with a curve turning to the left having a radius of 181.95 feet, an arc length of 34.65 feet and whose long chord bears S 24° 47' 47" W for a distance of 34.60 feet to a set iron rod, 2.) S 19° 20' 25" W for a distance of 184.28 feet to a found iron pipe, 3.) S 72° 55' 16" E for a distance of 280.18 feet to a set iron rod at the northwestern corner of the Peggy Stafford Barger property as recorded in Deed Book 331 page 155 of the Catawba County public registry, thence with said property S 58° 38' 14" W for a distance of 345.54 feet to a set iron rod at the northeastern corner of the Blueberry Farm Hickory LLC property as recorded as Parcel II, Tract 1 in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 52° 47' 20" W for a distance of 101.47 feet to a point, 2.) with a curve turning to the right having a radius of 180.03 feet, an arc length of 126.05 feet and whose long chord bears S 75° 59' 13" W for a distance of 123.49 feet to a point at the northeastern corner of another Blueberry Farm Hickory LLC property, recorded as Parcel II, Tract 2 in Deed Book 3886 Page 1053, thence with aid property seven (7) courses; 1.) N 83° 57' 17" W for a distance of 116.36 feet to a point, 2.) S 23° 59' 50" W for a distance of 41.50 feet to a point, 3.) S 60° 43' 50" W for a distance of 51.00 feet to a point, 4.) S 26° 34' 50" W for a distance of 97.00 feet to a point, 5.) S 02° 13' 50" W for a distance of 41.74 feet to a point, 6.) S 70° 26' 10" E for a distance of 67.14 feet to a point, 7.) N 79° 41' 50" E for a distance of 142.50 feet to a point at the southwestern corner of the aforementioned Blueberry Farm Hickory LLC Parcel II, Tract 1, thence with said tract 1 two (2) courses; 1.) N 79° 42' 32" E for a distance of 74.59 feet to a point, 2.) N 64° 09' 50" E for a distance of 164.07 feet to a point on the western line of the Donald Edward Lail and Sylvia L Lail property as recorded in Deed Book 1986 page 992 of the Catawba County public registry, thence with said property S 01° 42' 55" E for a distance of 227.93 feet to a found iron pipe at the northwestern corner of the Mike R Terry property as recorded in Deed Book 2995 page 391 of the Catawba County public registry, thence with said property S 01° 12' 22" E for a distance of 226.33 feet to a set iron rod on the line of the Blueberry Farm Hickory LLC property recorded as Tract IV in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property S 86° 08' 04" W for a distance of 1018.03 feet to a found stone, thence continuing with said property and another Blueberry Farm Hickory LLC property recorded as Tract II of Deed Book 3886 Page 1040 N 14° 48' 31" E passing through found iron rods at 78.57 feet, 142.68 feet, 244.61 feet and 1084.86 feet for a total distance of 1140.16 feet to a found iron pipe at the southeastern corner of another Blueberry Farm Hickory LLC property recorded as Tract III of Deed Book 3886 Page 1040, thence with said tract two (2) courses; 1.) N 19° 52' 32" E for a distance of 250.81 feet to a found monument, 2.)

N 87° 29' 29" E a distance of 160.05 feet to the POINT OF BEGINNING, containing 1,046,660 SF or 24.028 acres of land, more or less.

BLUEBERRY FARM HICKORY PARCEL II TRACT 1

Being Catawba County PID 370112877400, Property of Blueberry Farm Hickory LLC as recorded as Parcel II, Tract 1 of Deed Book 3886 Page 1053 of the Catawba County Public Registry.

Commencing at a found iron pipe at the eastern terminus of 20th Avenue SE, being the southwestern corner of the Randy G Gibson property as recorded in Deed Book 3792 Page 1544 of the Catawba County public registry, thence with said property S 72° 55' 16" E for a distance of 280.18 feet to a set iron rod at the northwestern corner of the Peggy Stafford Barger property as recorded in Deed Book 331 page 155 of the Catawba County public registry, thence with said property S 58° 38' 14" W for a distance of 345.54 feet to a set iron rod at the Point of BEGINNING, thence continuing with said Barger property S 01° 42' 55" E for a distance of 59.78 feet to a point at a corner of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 64° 09' 50" W for a distance of 164.07 feet to a point, 2.) S 79° 42' 32" W for a distance of 74.59 feet to a point at the southeastern corner of another Blueberry Farm Hickory LLC property recorded as Parcel II Tract 2, thence with said property N 06° 02' 43" E for a distance of 177.03 feet to a point on the aforementioned Blueberry Farm Hickory LLC Parcel I property, thence with said line two (2) courses; 1.) with a curve turning to the left having a radius of 180.03 feet, an arc length of 126.05 feet and whose long chord bears N 75° 59' 13" E for a distance of 123.49 feet to a point, 2.) S 52° 47' 20" E for a distance of 101.47 feet to the POINT OF BEGINNING, containing 30,254SF or 0.695 acres of land, more or less.

BLUEBERRY FARM HICKORY PARCEL II TRACT 2

Being Catawba County PID 370112875316, Property of Blueberry Farm Hickory LLC as recorded as Parcel II, Tract 2 of Deed Book 3886 Page 1053 of the Catawba County Public Registry.

Commencing at a found iron pipe at the eastern terminus of 20th Avenue SE, being the southwestern corner of the Randy G Gibson property as recorded in Deed Book 3792 Page 1544 of the Catawba County public registry, thence with said property S 72° 55' 16" E for a distance of 280.18 feet to a set iron rod at the northwestern corner of the Peggy Stafford Barger property as recorded in Deed Book 331 page 155 of the Catawba County public registry, thence with said property S 58° 38' 14" W for a distance of 345.54 feet to a set iron rod, thence continuing with said Barger property S 01° 42' 55" E for a distance of 59.78 feet to a point at a corner of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 64° 09' 50" W for a distance of 164.07 feet to a point, 2.) S 79° 42' 32" W for a distance of 74.59 feet to the Point of BEGINNING, thence continuing with said

Blueberry Farm Hickory LLC Parcel I seven (7) courses; 1.) S 79° 41' 50" W for a distance of 142.50 feet to a point, 2.) N 70° 26' 10" W for a distance of 67.14 feet to a point, 3.) N 02° 13' 50" E for a distance of 41.74 feet to a point, 4.) N 26° 34' 50" E for a distance of 97.00 feet to a point, 5.) N 60° 43' 50" E for a distance of 51.00 feet to a point, 6.) N 23° 59' 50" E for a distance of 41.50 feet to a point, 7thence S 83° 57' 17" E a distance of 116.36 feet to a point at the northwestern corner of another Blueberry Farm Hickory LLC property recorded as Parcel II, Tract 1 in Deed Book 3886 Page 1053, thence with said property S 06° 02' 43" W for a distance of 177.03 feet to the POINT OF BEGINNING, containing 34,712 SF or 0.797 acres of land, more or less.

BLUEBERRY FARM, LLC, PARCEL I

Being Catawba County PID 370112755345, Property of Blueberry Farm Hickory LLC as recorded as Tract 1 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

BEGINNING at a found iron pipe at the northwestern corner of the City of Hickory property as recorded in Deed Book 895 Page 260 and Deed Book 1658 Page 743 of the Catawba County public registry thence with said property twelve (12) courses; 1.) S 34° 09' 36" W passing through a found iron pipe at 1411.38 feet for a total distance of 1435.17 feet to a point, 2.) S 08° 54' 36" W for a distance of 26.95 feet to a point, 3.) S 13° 59' 17" E for a distance of 72.25 feet to a point, 4.) S 40° 35' 29" W for a distance of 19.19 feet to a point, 5.) S 58° 08' 59" W for a distance of 10.60 feet to a point, 6.) S 28° 13' 55" E for a distance of 20.84 feet to a point, 7.) S 00° 19' 31" W for a distance of 32.62 feet to a point, 8.) S 39° 34' 41" E for a distance of 25.08 feet to a point, 9.) S 11° 58' 28" W for a distance of 20.30 feet to a point, 10.) S 07° 41' 35" E for a distance of 23.99 feet to a point, 11.) S 08° 47' 04" W for a distance of 98.83 feet to a point, 12.) S 58° 39' 07" W for a distance of 310.76 feet to a point in Henry Fork River and on the eastern boundary of the Donna Lee Wood and Hal Nelson Wood property as recorded in deed Book 1797 Page 105 and Deed Book 936 page 256 of the Catawba County public registry, thence with said River and said property two (2) courses; 1.) N 36° 18' 52" W for a distance of 332.49 feet to a point, 2.) N 32° 03' 53" W for a distance of 281.39 feet to a point on the southeastern line of the Cline Dairy Inc. property as recorded in Deed Book 336 Page 436 of the Catawba County public registry, thence with said property N 37° 24' 03" E for a distance of 1698.11 feet to a found iron pipe on the line of the Blueberry Farm Hickory LLC property as recorded as Tract 4 in deed Book 3886 Page 1040, thence with said line S 65° 13' 14" E a distance of 423.79 feet to the POINT OF BEGINNING, containing 920,778 SF or 21.138 acres of land, more or less.

BLUEBERRY FARMS, LLC, PARCEL II

Being Catawba County PID 370108775545, Property of Blueberry Farm Hickory LLC as recorded as Tract 2 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

Commencing at a point in the right of way of Catawba Valley Parkway, said point being N 12° 20' 07" E a distance of 31.35 feet from a found axle at the northwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, thence with said property S 12° 20' 07" W for a distance of 775.57 feet to a found angle iron on the northern line of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 29' 29" W for a distance of 160.05 feet to a found monument, 2.) S 19° 52' 32" W for a distance of 250.81 feet to a found iron pipe at the POINT OF BEGINNING thence continuing with said Blueberry Farm Hickory LLC Parcel 1, S 14° 48' 31" W passing through a found iron rod at 55.30 feet for a total distance of 895.56 feet to a found iron rod at a corner of the Blueberry Farm Hickory LLC property recorded as Tract IV in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 88° 46' 02" W for a distance of 704.48 feet to a point, 2.) N 15° 12' 03" E for a distance of 837.04 feet to a point on the southern line of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property N 75° 16' 54" E for a distance of 457.37 feet to a found iron rod on the western line of another Blueberry Farm Hickory LLC property recorded as Tract III in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 09° 52' 27" W for a distance of 57.55 feet to a found iron rod, 2.) N 87° 12' 34" E for a distance of 281.58 feet to the POINT OF BEGINNING, containing 600,765 SF or 13.792 acres of land, more or less.

BLUEBERRY FARM HICKORY LLC, PARCEL III

Being Catawba County PID 370108789470, Property of Blueberry Farm Hickory LLC as recorded as Tract 3 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

Beginning at a point in the right of way of Catawba Valley Parkway, said point being N 12° 20' 07" E a distance of 31.35 feet from a found axle at the northwestern corner of the Clinton Tabernacle African Methodist Episcopal Zion Church property as recorded in Deed Book 2232 Page 164 of the Catawba County public registry, thence with said property S 12° 20' 07" W for a distance of 775.57 feet to a found angle iron on the northern line of the Blueberry Farm Hickory LLC property recorded as Parcel I in Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 29' 29" W for a distance of 160.05 feet to a found monument, 2.) S 19° 52' 32" W for a distance of 250.81 feet to a found iron pipe at the northeastern corner of the Blueberry Farm Hickory LLC property recorded as Tract II in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 87° 12' 34" W for a distance of 281.58 feet to a found iron rod, 2.) N 09° 52' 27" E for a distance of 57.55 feet to a found iron rod at a corner of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property five (5) courses; 1.) N 00° 59' 26" W for a distance of 55.36 feet to a found

iron rod, 2.) N 11° 55' 13" W passing through a found iron rod at 13.77 feet for a total distance of 50.02 feet to a set iron rod, 3.) N 33° 24' 44" W for a distance of 124.83 feet to a found iron rod, 4.) N 57° 09' 43" W passing through a found iron rod at 297.82 feet for a total distance of 327.66 feet to a set iron rod, 5.) N 15° 59' 17" W for a distance of 190.06 feet to a found stone at the southwestern corner of the Miki C Weaver property as recorded in Deed Book 3573 Page 517 as recorded in Catawba County public registry, thence with said property two (2) courses; 1.) N 86° 20' 57" E for a distance of 407.25 feet to a found iron rod, 2.) N 14° 33' 48" E for a distance of 243.49 feet to a set iron rod, thence within the right of way of Catawba Valley Parkway two (2) courses; 1.) N 81° 07' 28" E for a distance of 442.27 feet to a point, 2.) N 72° 23' 02" E for a distance of 194.40 feet to the POINT OF BEGINNING, containing 591,486 SF or 13.579 acres of land, more or less.

BLUEBERRY FARM HICKORY LLC PARCEL IV

Being Catawba County PID 370111666796, Property of Blueberry Farm Hickory LLC as recorded as Tract 4 of Deed Book 3886 Page 1040 of the Catawba County Public Registry.

Beginning at a set iron rod in the 50' future right of way of 3rd Street Place SE as shown on Plat Book 33 Page 183 of the Catawba County public registry, said point being at the northwestern corner of the Blueberry Farm Hickory LLC property recorded as Tract II in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 15° 12' 03" W for a distance of 837.04 feet to a point, 2.) N 88° 46' 02" E for a distance of 704.48 feet to a found iron rod on the western line of the Blueberry Farm Hickory LLC property recorded as Parcel I of Deed Book 3886 Page 1053 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 14° 48' 31" W passing through found iron rods at 101.93 feet and 166.04 feet for a total distance of 244.61 feet to a found stone, 2.) N 86° 08' 04" E for a distance of 1018.03 feet to a set iron rod at the southwestern corner of the Mike R Terry property as recorded in Deed Book 2995 Page 391 of the Catawba County public registry, thence with said property) N 86° 08' 04" E for a distance of 114.09 feet to a found axle at the northwestern corner of the John Lee Barger and Gilda Mae B Barger property as recorded in Deed Book 1037 Page 36 of the Catawba County public registry, thence with said property and the John Lee Barger and Gilda Mae B Barger property as recorded in Deed Book 1036 Page 473 of the Catawba County public registry S 25° 45' 16" W passing through found iron rods at 87.88 feet and 221.44 feet for a total distance of 1236.74 feet to a found iron pipe on the northern line of the City of Hickory property as recorded in Deed Book 895 page 260 and deed Book 1658 Page 743 of the Catawba County public registry thence with said property N 65° 07' 24" W passing through a found iron rod at 65.43 feet for a total distance of 247.92 feet to a found iron pipe at the northeastern corner of the Blueberry Farm Hickory LLC property recorded as Tract I in Deed Book 3886 Page 1040 of the Catawba County public registry, thence with said property N 65° 13' 14" W for a distance of 423.79 feet to a found iron pipe at the northeastern corner of the Clines Dairy Inc property recorded

as Deed Book 336 Page 436 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 65° 29' 18" W for a distance of 513.36 feet to a found stone, 2.) S 52° 46' 21" W for a distance of 765.31 feet to a found iron pipe at the northeastern corner of the Clines Dairy Inc property recorded as Deed Book 1222 Page 273 of the Catawba County public registry, thence with said property N 68° 19' 00" W for a distance of 1682.78 feet to a found iron pipe at the southeastern corner of the Carolina Solvents property as recorded in Deed Book 1852 page 1259 of the Catawba County public registry, thence with said property N 30° 22' 28" E for a distance of 436.94 feet to a found iron pipe at the southeastern corner of the City of Hickory property as recorded in deed Book 2098 page 1017, thence with said property N 29° 16' 08" E for a distance of 173.22 feet to a found iron pipe at the southwestern corner of the Frederico Adrian Depaz and Maria Roselbee Sanchez Munoz property as recorded in Deed Book 3449 Page 1200 of the Catawba County public registry, thence with said property two (2) courses; 1.) S 62° 40' 47" E for a distance of 174.11 feet to a found iron pipe, 2.) S 79° 05' 59" E for a distance of 119.92 feet to a found axle at the southwestern corner of the Rose Ann Evans property as recorded in Deed Book 3421 Page 1804 of the Catawba County public registry, thence with said property N 81° 24' 29" E for a distance of 541.76 feet to a found iron rod at the southwestern corner of the Henry Clay Evans and Rose Ann Evans property as recorded in Deed Book 1215 Page 47 of the Catawba County public registry, thence with said property N 76° 28' 20" E for a distance of 221.16 feet to a set iron rod at the southwestern corner of the Henry Clay Evans and Rose W Evans and Loretta Evans Carpenter property as recorded in Deed Book 2510 Page 567 of the Catawba County public registry, thence with said property two (2) courses; 1.) N 85° 38' 36" E for a distance of 426.90 feet to a found iron pipe, 2.) N 24° 32' 39" W for a distance of 472.84 feet to a found iron pipe on the southern line of the Futuro LLC property as recorded in Deed Book 2144 Page 1327 of the Catawba County public registry, thence with said property three (3) courses; 1.) N 74° 17' 06" E for a distance of 282.18 feet to a found iron rod, 2 N 04° 49' 57" E for a distance of 214.80 feet to a set iron rod, 3.) N 75° 16' 54" E for a distance of 400.78 feet to the POINT OF BEGINNING, containing 3,362,399 SF or 77.190 acres of land, more or less.

Section 2. Upon and after the 31st day of October 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 15TH DAY OF OCTOBER, 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.



Kari Oulap
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 Blueberry Farm Hickory LLC was adopted at a regular meeting of the Hickory City Council held on October 15, 2024, and that said Ordinance is in full force and effective on October 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: October 3, 2024

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

REQUEST

Consideration of the voluntary satellite annexation of 3.799 acres of property located at the eastern corner of the intersection of 21st Street Drive SE and 27th Street Drive SE. This property is identified as PIN 3722-14-32-1763.

BACKGROUND

The property is currently located within the City of Hickory's extraterritorial jurisdiction, and zoned Industrial (IND). This zoning designation provides opportunities for the development of manufacturing facilities, medical offices, professional office and limited retail uses. Unlike other city zoning districts, Industrial zoning does not have a prescribed maximum density. The owner of the property has indicated they intend to construct and operate a recreational vehicle storage facility.

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 planned to be developed as a storage facility for recreational vehicles.

Surrounding properties are zoned Industrial (IND), and are occupied by grandfathered non-conforming residences.

The current tax value of the property is \$134,500. If annexed, the property would generate \$612 in additional tax revenues. This value does not consider any new construction that is to occur.

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* 10/3/2024
 Initiating Department Head Date

Rodney Miller 10/7/24
 Asst. City Manager R. Miller Date

Kari Dunlap 10/7/24
 Finance Officer, K. Dunlap Date

Yvonne Fox 10/7/24
 Asst City Manager Y. Fox Date

City Attorney, T. Swanson _____
Tim Deal 10/7/24
 Asst. City Manager, R. Beasley Date

Deputy Finance Officer, _____
Cameron McHargue 10-10-24
 Cameron McHargue Date

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

Warren Wood
 City Manager, Warren Wood
10.7.24
 Date

CITY OF HICKORY APPLICATION FOR VOLUNTARY ANNEXATION

DATE SUBMITTED: 8/30/2024

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.

1. The property be future voluntarily annexed is located on 21st Street Drive SE between 9th Avenue SE and 12th Avenue SE and is shown in more detail on the attached survey.

PIN NO. (S) : 372214321763

Physical (Street) Address: Currently unassigned

2. The property is owned by: (please print) RFW Properties, LLC
(Attach a copy of the most recent deed.)

Owner Information:

Name: RFW Properties, LLC

Address: 6720 Lakeview Terrace, Hickory, NC 28601

Phone Number: 828-515-4388

3. The petition is submitted by: Ronald Weber, President, RFW Properties, LLC
(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: Ronald Weber

Address: 6720 Lakeview Terrace, Hickory, NC 28601

Phone Number: 828-515-4388

4. If future annexation is approved by the Hickory City Council, the applicant agrees to enter into a legally binding annexation agreement that will authorize the City of Hickory to annex the property(s) once the City feels such an annexation is feasible.
5. 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 Industrial zoning district.

6. 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.

7. 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.

Ronald Weber
Printed Name of Property Owner(s)

Ronald Weber
Signature of Property Owner(s)

6720 Lakeview Terrace, Hickory, NC 28601
Address of Property Owner(s)

828-515-4388
Telephone Number of Property Owner(s)

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Ronald Weber personally came before me this day and acknowledged he is the President of RFW Properties, LLC, and that by authority duly given and as the act of such entity he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 30 day of August, 2024.

My Commission Expires: 01/19/2026

Kimberly K Crawford
Notary Public



3846-1773

FILED ELECTRONICALLY
CATAWBA COUNTY NC
DONNA HICKS SPENCER

FILED Dec 15, 2023
AT 01:16:00 PM
BOOK 03846
START PAGE 1773
END PAGE 1775
INSTRUMENT # 22029
EXCISE TAX \$270.00

Prepared by & Return to:
John G. Fuller, Attorney, 352 2nd Street NW #106, Hickory, NC 28601
Revenue: \$270.00

North Carolina)
)
Catawba County)

DEED BY EXECUTOR

This deed, made and entered into this 15th day of **December, 2023**, by and between **ESTATE OF HERMAN EDGAR PHILLIPS (See Estate File Number 22 E 800, Office of the Catawba County Clerk of Superior Court, Estates Division), whose address is 4692 Rock Barn Road, Claremont, NC 28610**, hereinafter referred to as Grantor;

RFW PROPERTIES, LLC, a North Carolina Limited Liability Company, whose address is 6720 Lakeview Terrace, Hickory, NC 28601, hereinafter referred to as Grantee;

The designation Grantors and Grantees 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 whereas **HERMAN EDGAR PHILLIPS**, late of Catawba County, North Carolina, died testate on May 23, 2022;

Whereas, **JOSHUA HERMAN PHILLIPS**, qualified as Executor of the Estate of **HERMAN EDGAR PHILLIPS** on June 20, 2022, before the Clerk of Superior Court of Catawba County, Estates File 22 E 800; and

Whereas, the said **HERMAN EDGAR PHILLIPS** at the time of her death was seized of the lands hereinafter described; and

Now, therefore, said Grantors, for and in consideration of the sum of One Hundred Thirty Five Thousand Dollars (\$135,000.00) to them in hand paid by the said Grantees, the receipt of which is hereby acknowledged, have bargained and sold and by these presents do grant, bargain, sell, and convey unto the said Grantees, and their heirs and assigns, a certain tracts or parcels of land lying and being in CATAWBA County, North Carolina, and more particularly described as

Submitted electronically by "John G. Fuller, Attorney At Law"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Catawba County Register of Deeds.

3846-1774

follows:

SEE ATTACHED EXHIBIT A

Catawba County Parcel #372214321763 REID 57414

To have and to hold the aforesaid tract or parcel of land, together with all privileges and appurtenances thereunto belonging, to the said Grantee and her heirs and assigns in fee simple forever.

And the Grantors covenants that they are seized of said lands in fee and have the right to convey the same in fee simple, that the same are free and clear of all encumbrances and that they will warrant and defend the title herein conveyed against the lawful claims of all persons whomsoever.

In Testimony Whereof, said Grantor has hereunto set his hand and seal the day and year first above written.

ESTATE OF HERMAN EDGAR PHILLIPS

By: *Joshua Herman Phillips* (SEAL)
JOSHUA HERMAN PHILLIPS, EXECUTOR

NORTH CAROLINA
CATAWBA COUNTY

I, Darla M. Crowe, a Notary Public of the County and State aforesaid, do hereby certify that **JOSHUA HERMAN PHILLIPS, EXECUTOR OF THE ESTATE OF HERMAN EDGAR PHILLIPS**, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 15th day of December, 2023.

Darla M. Crowe
Darla M Crowe, Notary Public
My Commission Expires: 11/15/2028



3846-1775

Exhibit "A"

BEGINNING at a spike in the center of the Sweetwater Road, corner of B W Campbell, said point being at the intersection of Sweetwater Road with an unpaved county road, and also a corner of the 2.97 acre tract this day conveyed to Bobby K Seitz, and running thence along the center of the Sweetwater Road, South 37 deg 28 min East 484.16 feet to a spike in the center of said road, corner of Bobby Seitz and Claude Huffman; thence with Huffman North 74 deg 16 min East 161.48 feet to an iron corner of Claude Huffman in the line of Buford Huffman; thence with Buford Huffman, North 10 deg 56 min West 862.61 feet to an iron in the center of the power line, corner of Buford Huffman and Paul Russell; thence with Russell South 29 deg 29 min West 12 feet to an iron in the right of way line of the power line; thence continuing South 29 deg 29 min West 547.2 feet to an iron on the East side of the Sweetwater Road, corner of B W Campbell; thence continuing South 29 deg 29 min West 22.54 feet to the Beginning, containing 4.62 acres, more or less, as shown on a Survey and Plat made by Marion E Bolch, Surveyor, dated August 17, 1968, entitled "Property of Cromer Seitz Heirs".

LESS AND EXCEPTED FROM THE ABOVE DESCRIBED TRACT OF LAND IS THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING at a corner in the center of the Sweetwater Road, this point being located South 37 deg 28 min East 329.16 feet from a spike in the center of said road located at the intersection of the center line of said road with the B. W. Campbell line at the intersection of an unpaved road; and runs thence from said beginning corner, South 37 deg 28 min East 155 feet to an iron spike in the center of said road at the point of intersection of the Claude Huffman line in the center of the road; thence with Huffman, North 74 deg 16 min East 161.48 feet to an iron corner of Claude Huffman in the Buford Huffman line after passing an iron at 30 feet, thence with Buford Huffman, North 10 deg 56 min West 155 feet to an iron, a new corner; thence a new line South 72 deg West 235 feet, more or less, to the point of BEGINNING, and being the Southern portion of the 4.62 acre tract described in Deed recorded in Book 915 page 392, Catawba County Registry.

VOLUNTARY SATELLITE ANNEXATION ANALYSIS

APPLICANT: RFW Properties, LLC

AGENT: Ron Weber

PROPERTY LOCATION: Intersection of 21st St. Dr. SE and 27th St. Dr. SE

PIN: 372214321763

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

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

ACREAGE: 3.799 acres

DEVELOPMENT POTENTIAL: The property is currently located within the City of Hickory's extraterritorial jurisdiction, and zoned Industrial (IND). This zoning designation provides opportunities for the development of manufacturing facilities, medical offices, professional office and limited retail uses. Unlike other city zoning districts, Industrial zoning does not have a prescribed maximum density. The owner of the property has indicated they intend to construct and operate a recreational vehicle storage facility.

TAX VALUE: The current tax value of the property is \$134,500.00. If annexed, the property would generate \$612.00 in additional tax revenues. These values are predevelopment.

POPULATION INCREASES: The property is vacant, and is intended to be used for non-residential purposes. Being such, increases in the City's population is not expected as a result of annexation.

SCHOOL DISTRICTS: The property is located within the jurisdictional area of the Catawba County Public System. Given the property is neither zoned for nor planned to be used for residential purposes, impacts on the school system are not anticipated.

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

- **North:** The properties are zoned Industrial and occupied by grandfathered nonconforming residences.
- **South:** The property is zoned Industrial and occupied by grandfathered nonconforming residence.
- **East:** The property is zoned Industrial and occupied by grandfathered nonconforming manufactured home park.
- **West:** The properties are zoned Industrial and occupied by grandfathered nonconforming residences.

UTILITY SERVICE: Water and sewer are both available. The developer will be responsible for all cost associated with improvements necessary to establish services.

ACCESS: Access to is available from 21st Street Drive SE, which is maintained by the North Carolina Department of Transportation (SR 1468).

DISTANCE FROM CITY LIMITS (See Map 1): The property is located approximately 450 feet northwest of the current proper city boundary.

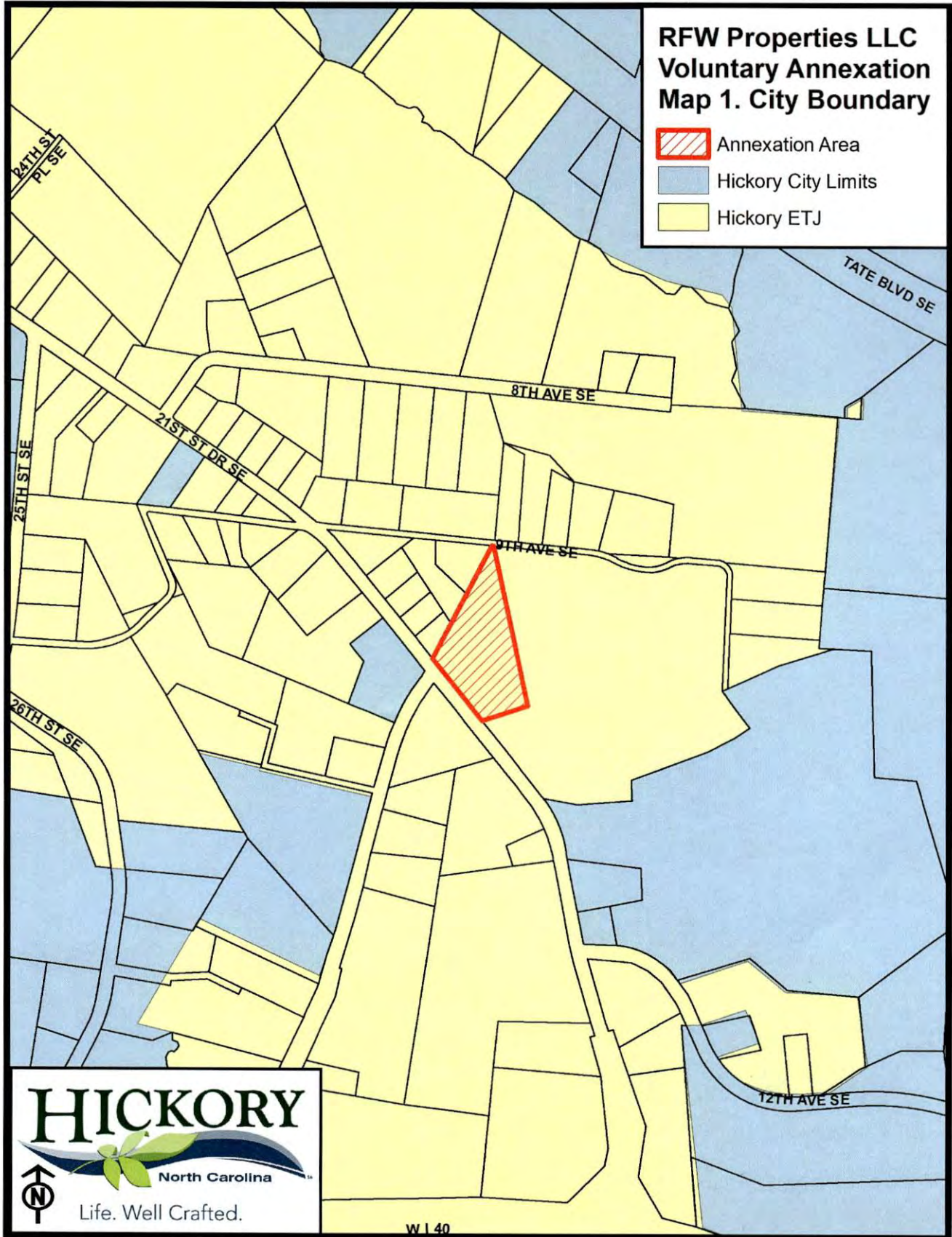
STAFF COMMENTS:

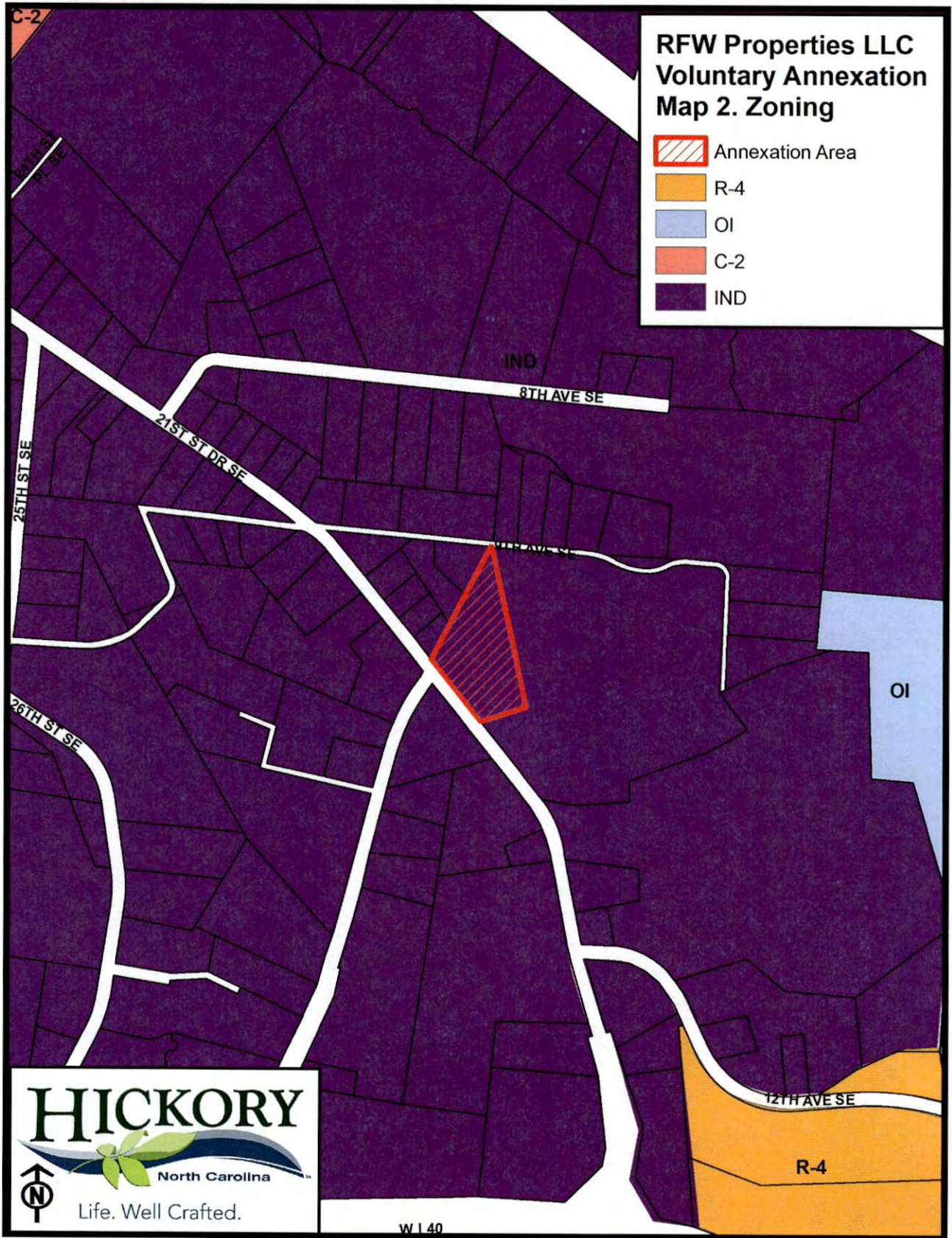
- Fire Department: Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 5's response area.
- Police Department: Annexation would not adversely affect the police department. The property, upon annexation, 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 will be responsible for all cost associated with improvements necessary to establish services.
- Legal: No objections.
- City Manager's Office: No objections.

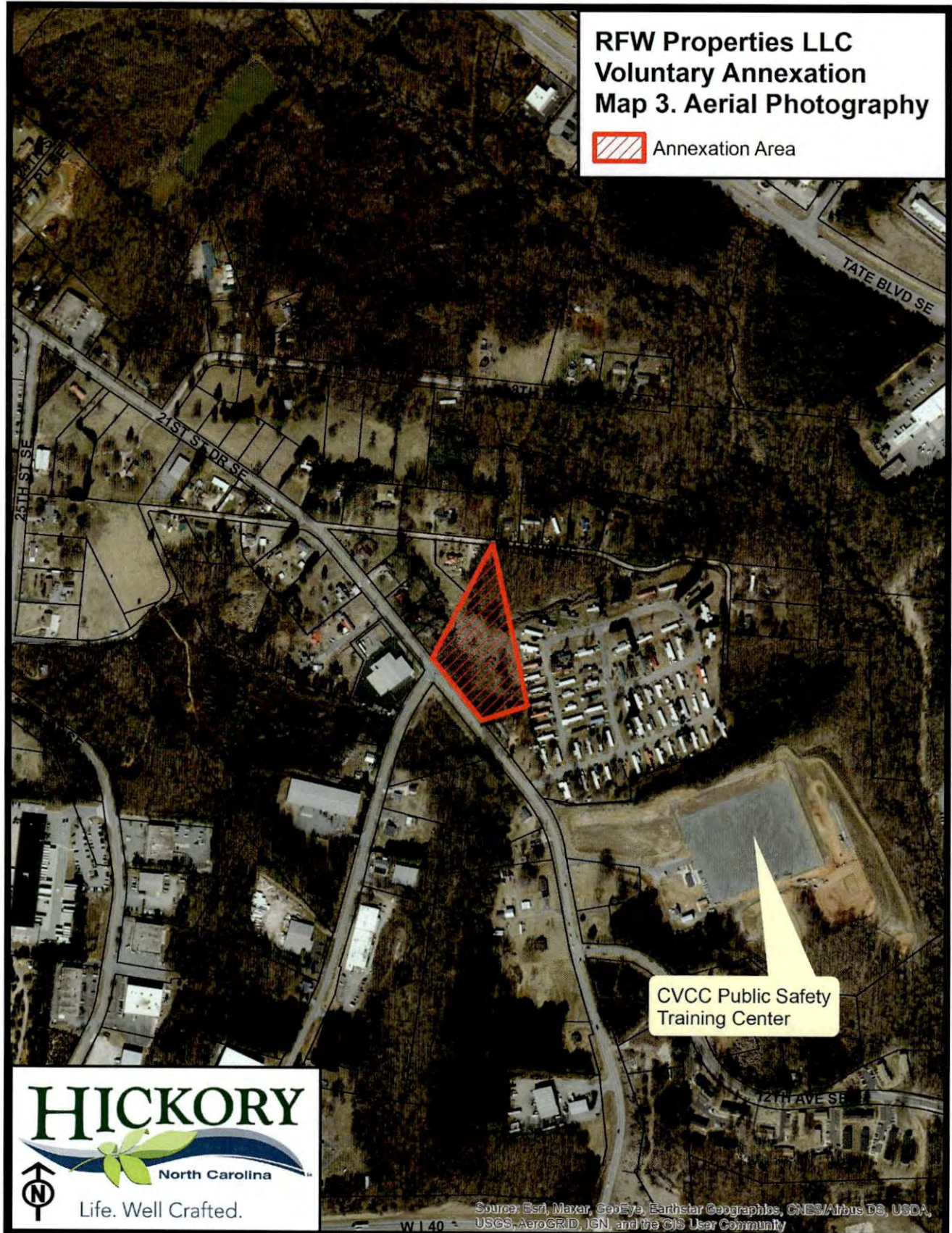
STAFF RECOMMENDATION: Upon evaluation staff has found the following:

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. 507

VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)

RFW 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 15th day of October 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 31st day of October 2024:

**Non-Contiguous Annexation
by the City of Hickory
of the RFW Properties, LLC**

BEGINNING at an existing flat bar located in the southern margin of 9th Avenue S.E., said existing flat bar being the northeastern corner of Cora Herman Keller (L.E.) (Deed 3090/1429) and being the northwestern corner of Sweetwater Park, L.L.C. (Deed 1923/756); thence from said beginning and with the western and northern boundary lines of Sweetwater Park, L.L.C. (Deed 1923/756), the following two (2) calls and distances: (1) S12°29'59"E 697.17' to an existing 1/2" rebar and (2) S70°28'12"W passing through a new iron set at a distance of 199.26', a total distance of 229.98' to a calculated point in the centerline of 21st Street Drive S.E., said calculated point being located S73°31'05"E 49.55' from a fire hydrant; thence

with the centerline of 21st Street Drive S.E., N38°37'09"W 327.69' to a calculated point; thence with the eastern boundary lines of Peggy Sue Campbell (Deed 551/345), Ralph Atwell Keller, Jr. (Deed 2191/1119), and Cora Herman Keller (L.E.) (Deed 3090/1429), N28°19'51"E 569.74' to an existing flat bar located in the southern margin of 9th Avenue S.E., the point and place of BEGINNING, containing 3.799 acres by coordinate computation as shown on survey plat entitled: Satellite Annexation by the City of Hickory known as RFW Properties, LLC dated 03/27/2024 by Bunton Surveying and Mapping, P.A., as certified by Derek R. Bunton, PLS-4808.

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

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

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

ADOPTED THIS 15TH DAY OF OCTOBER 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.



Kari Amick
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 RFW Properties, LLC was adopted at a regular meeting of the Hickory City Council held on October 15, 2024, and that said Ordinance is in full force and effective on October 31, 2024.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

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

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

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Brian Frazier, Planning Director

Date: October 3, 2024

Re: Consideration of Rezoning Petition 24-10

REQUEST

Conduct a public hearing to consider Rezoning Petition 24-10.

BACKGROUND

A petition has been submitted requesting the consideration of rezoning properties located at 3109 15th Avenue Boulevard SE and a vacant parcel to the south, from Regional Commercial (C-3) to Industrial (IND).

ANALYSIS

The subject properties are currently zoned Regional Commercial and are +/- 8.56 acres in size. The current Regional Commercial (C-3) district is intended to provide locations for shopping, dining and entertainment businesses who cater to automobile oriented customers from local and regional areas.

The properties are currently zoned Regional Commercial (C-3) and occupied by a manufacturing facility (Rubber Mill). Rubber Mill is a manufacturer of rubber components for several different industries and specializes in gaskets and seals.

The owners of the facility are seeking to have the property rezoned so they may expand the facility's current operations. Regional Commercial districts permit for industrial uses, but limits total industrial floor areas to 50,000 square feet. Rezoning the properties to Industrial will provide more opportunity for expansions, as industrial districts have no cap on floor area.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on September 25, 2024 to consider the petition. During the public hearing, the owner spoke in favor of the rezoning petition, while no one spoke in opposition.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's inconsistency with the Hickory by Choice 2030 Comprehensive Plan, but found the request to be reasonable due to changes in regional transportation plans. Based upon its findings, the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of October 3, 2024, staff has not received any inquiries regarding this petition.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier *BMF* 10/03/2024
Initiating Department Head Date

Rodney Miller 10/7/24
Asst. City Manager, R. Miller Date

Kari Dunlap 10/7/24
Finance Officer, Kari Dunlap Date

Yaidée Fox 10/7/24
Asst. City Manager, Yaidée Fox Date

City Attorney Date

Rod Beasley 10/7/24
Asst. City Manager R. Beasley Date

Cameron McHargue 10-10-24
Deputy Finance Officer, Cameron McHargue Date

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

Waverly Wood
City Manager, W. Wood

10.7.24
Date

**CITY OF HICKORY
APPLICATION FOR REZONING (NON PD OR CZ)**

DATE SUBMITTED: 8/14/2024

TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I (We), the undersigned, do hereby respectfully make application and petition to amend the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on 15th Avenue Blvd SE
between Fairgrove Church Road and N/A.

PIN NO. (S): 372107586862, 372107586590

Physical (Street) Address: 3109 15th Avenue Blvd SE, Conover, NC 28613

2. The property is owned by: (please print) Pelican Partners, 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: Heidi B. Bradley

Address: 5003 Warfield Drive, Greensboro, NC 27406

Phone Number: (336) 207-4021

Email Address: hbradley@rubbermill.com

3. The petition is submitted by: Heidi B. Bradley, Member Manager, Pelican Partners, LLC

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information:

Name: _____

Address: _____

Phone Number: _____

4. It is desired and requested that the foregoing property be REZONED:

FROM: C3 TO: Industrial

5. Please list the current use(s) of the property: Manufacturing

5. OWNER'S AFFIDAVIT

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

Heidi B. Bradley

Printed Name of Owner

Heidi B. Bradley
Signature of Owner

(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 Randolph

I, the undersigned Notary Public of the County and State aforesaid, certify that Heidi B. Bradley personally came before me this day and acknowledged the he / she is the member manager of Pelican Partners 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 13 day of August, 2024.

My Commission Expires: 3-4-2028

Lisa Brower
LISA BROWER
NOTARY PUBLIC
Randolph County
North Carolina
My Commission Expires March 4, 2028

Notary Public

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.

CA202411400648

LIMITED LIABILITY COMPANY ANNUAL R

SOSID: 0757987
Date Filed: 4/23/2024
Elaine F. Marshall
North Carolina Secretary of State
CA2024 114 00648

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: PELICAN PARTNERS LLC

SECRETARY OF STATE ID NUMBER: 0757987 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2024

Filing Office Use Only
Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Keith A. Wood

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

235 North Edgeworth St 235 North Edgeworth St

Greensboro, NC 27402, Guilford Greensboro, NC 27402

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: LESSOR OF COMMERCIAL PROPERTY

2. PRINCIPAL OFFICE PHONE NUMBER: 336-622-1680 3. PRINCIPAL OFFICE EMAIL:

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

5003 Warfield Drive 5003 Warfield Drive

Greensboro, NC 27406, Guilford Greensboro, NC 27406

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: HEIDI B BRADLEY NAME: JOHN M BRADLEY NAME:

TITLE: Manager/Member TITLE: Manager/Member TITLE:

ADDRESS: ADDRESS: ADDRESS:

5003 WARFIELD DRIVE 5003 WARFIELD DRIVE

GREENSBORO, NC 27406 GREENSBORO, NC 27406

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

Handwritten signature: Heidi B Bradley DATE: 3/26/2024

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

Printed name: Heidi B Bradley Title: Manager/Member

FILED Catawba County
on May 29, 2019 at 10:42:00 am
Excise Tax \$1630.00 (AT)
INST. # 08760
DONNA HICKS SPENCER,
Register of Deeds
BK 03507 Pg 1978-1982

Prepared by and after
recording return to:

✓ HB Susie Hayes
Britton C. Lewis
Carruthers & Roth, P.A.
235 N. Edgeworth St.
Greensboro, NC 27401
(as counsel to only to Grantee)

Excise Tax \$1,630

A portion of Tax Parcel Identification No. 372107586862

NORTH CAROLINA

SPECIAL WARRANTY DEED

CATAWBA COUNTY

THIS SPECIAL WARRANTY DEED made as of the 28 day of May, 2019, by and between BKT HOLDINGS, LLC, a North Carolina limited liability company ("Grantor") whose address is 4725 Creekview Drive, Trinity, North Carolina 27370, and PELICAN PARTNERS, LLC, a North Carolina limited liability company ("Grantee") whose address is 5003 Warfield Drive, Greensboro, North Carolina 27406. 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.

This is not the personal residence of Grantor.

WITNESSETH:

That Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all those certain lots or parcels of land situated in Catawba County, North Carolina which are more particularly described on Exhibit A attached hereto and incorporated herein by this reference (collectively, the "Property").

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

1979

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions set forth on Exhibit B attached hereto and incorporated herein by this reference.

[signatures appear on the following page]

[signature page to Special Warranty Deed]

1980

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of the day and year first above written.

BKT HOLDINGS, LLC

By *Ted A. Schmaus*
Ted A. Schmaus, Manager

Guilford County, State of NC

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Ted A. Schmaus.

Date: 5-24-19

Susan R Hayes
Print Name: Susan R. Hayes
Notary Public

(Official Seal)

My Commission expires: 9-12-23

SUSAN R. HAYES
Notary Public
Davidson County, NC

EXHIBIT A

1981

Legal Description

BEING ALL of Tract 1 and Tract 3 shown on that plat entitled "Preliminary Minor Subdivision of Pelican Partners, LLC, Property of BKT Holdings, LLC, 3101 15th Ave. Blvd. SE, Conover, North Carolina, Hickory Township, Catawba County," as recorded in Plat Book 79, Page 104 in the Office of the Register of Deeds of Catawba County, North Carolina.

EXHIBIT B

1982

Exceptions to Title

1. The lien for ad valorem taxes for the year 2019, and subsequent years, not yet due or payable.
2. Sewer Line Easement to City of Hickory recorded in Book 1389, Page(s) 360, Catawba County Registry.
3. Riparian and/or littoral rights incident to the Property; rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Property; and title to any portion of the Property owned by governmental entity including, but not limited to , marsh, dredged, and/or filled areas and Property below the mean high-water mark.
4. Title to any portion of the Property lying within the right of way of SR 1477 and 15th Avenue Boulevard, S.E.
5. The following matter shown on that plat recorded in Plat Book 3, Page 33, in the Catawba County Registry: creek/branch.

REZONING ANALYSIS

PETITION: 24-10

APPLICANT: Heidi Bradley

OWNERS: Pelican Partners, LLC

PROPERTY LOCATION: 3109 15th Avenue Boulevard SE and a vacant parcel to the south.

PINs: 372107586862 and 372107586590

WARD: The properties are located in Ward 3 (Councilman Seaver).

ACREAGE: 8.56 acres.

REQUESTED ACTION: Rezone the properties from Regional Commercial (C-3) to Industrial (IND).

BACKGROUND: The property is currently zoned Regional Commercial (C-3) and occupied by a manufacturing facility (Rubber Mill). Rubber Mill is a manufacturer of rubber components for several different industries and specializes in gaskets and seals.

The owners of the facility are seeking to have the property rezoned so they may expand the facility's current operations. Regional Commercial districts permit for industrial uses, but limits total industrial floor areas to 50,000 square feet. Rezoning the property to Industrial will provide more opportunity for expansions, as industrial districts have no cap on floor area.

DEVELOPMENT POTENTIAL: The properties are currently occupied by manufacturing facility, and zoned Regional Commercial. This district is designed to accommodate large retailers, entertainment, and services to populations within the city, as well as from the region.

Regional Commercial permits retail, and service uses at a floor area ratio of 2:1. Given the size of the property, several hundred thousand square feet of retail and service establishments could be placed on the property. This district also allows industrial and warehousing uses, but limits their floor area to 50,000 square feet.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

The area is classified as Regional Commercial by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).

The Hickory by Choice 2030 Comprehensive Plan explains the Regional Commercial designation as areas located along the City's major transportation corridors. These areas are automobile oriented and contain goods, services and entertainment activities for city residents as well as patrons from surrounding communities.

The Hickory by Choice 2030 Comprehensive Plan lists C-3 as being the implementing district for the Regional Commercial designation. Likewise IND is listed as the implementing district for Industrially designated areas.

While the two prior paragraphs outline Industrial zoning is inconsistent with the plan's recommendations, a few other points need to be added. First, the manufacturing facility is a legally conforming business that has been in operation for a number of years. Secondly, Hickory's Land Development Code permits industrial uses in Regional Commercial (C-3) districts with a size limitation.

On the first point, the existing and continued operation of the Rubber Mill facility has and will be compatible with the area. The property is located on a less traveled street, bordered on the north by Interstate 40, and is adjacent to an industrial service use (Shull Transport), and close to another (Volvo Trucks). The second point, from a policy standpoint, the City's Land Development Code acknowledges industrial services of scale to their location are compatible with Regional Commercial areas.

Furthermore, the current regional transportation plan has changed, and a connector road that would have provided access to accommodate regional commercial development has been eliminated, and such limited access now hinders the possibility for this type of development.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a Regional Commercial area providing opportunities for shopping dining, entertainment and personal services. Industrial uses are permitted in the current C-3 zoning, as well as the requested IND zoning, with the difference being the scale of any such operation. Additionally, the existing industrial use is a legally conforming use, which would benefit from the change in zoning and continue to operate as it has for years to come.

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

The development regulations contained within the Hickory Land Development Code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.

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

The subject properties have access to a city maintained roadway, 15th Avenue Boulevard SE, as well as access to public utilities. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is a mixture of residential and industrial service. The property is best suited to continue its current use, which is industrial service. Public resources to provide critical public services are in place or will be provided by the property owner to service any future development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

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

- **North:** The property directly abuts Interstate 40 along its northern border.
- **South:** The properties are zoned Regional Commercial (C-3) and are vacant / wooded.
- **East:** The property is zoned Regional Commercial (C-3) and is vacant.
- **West:** The property is zoned Regional Commercial (C-3) and is occupied by an industrial use (Shull Transport).

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

The current C-3 zoning permits for industrial uses, which is the current use of the property. The requested IND zoning permits the same use, but at greater intensity.

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

The existing use, industrial, has been in operation for some years. If any impacts were to be caused, the impacts would have been realized in years past. Any expansions of the operations taking place on the properties will be required to adhere to all current development standards.

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

Public resources to provide critical public services are in place or will be put in place by the property owner should additional development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.

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

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

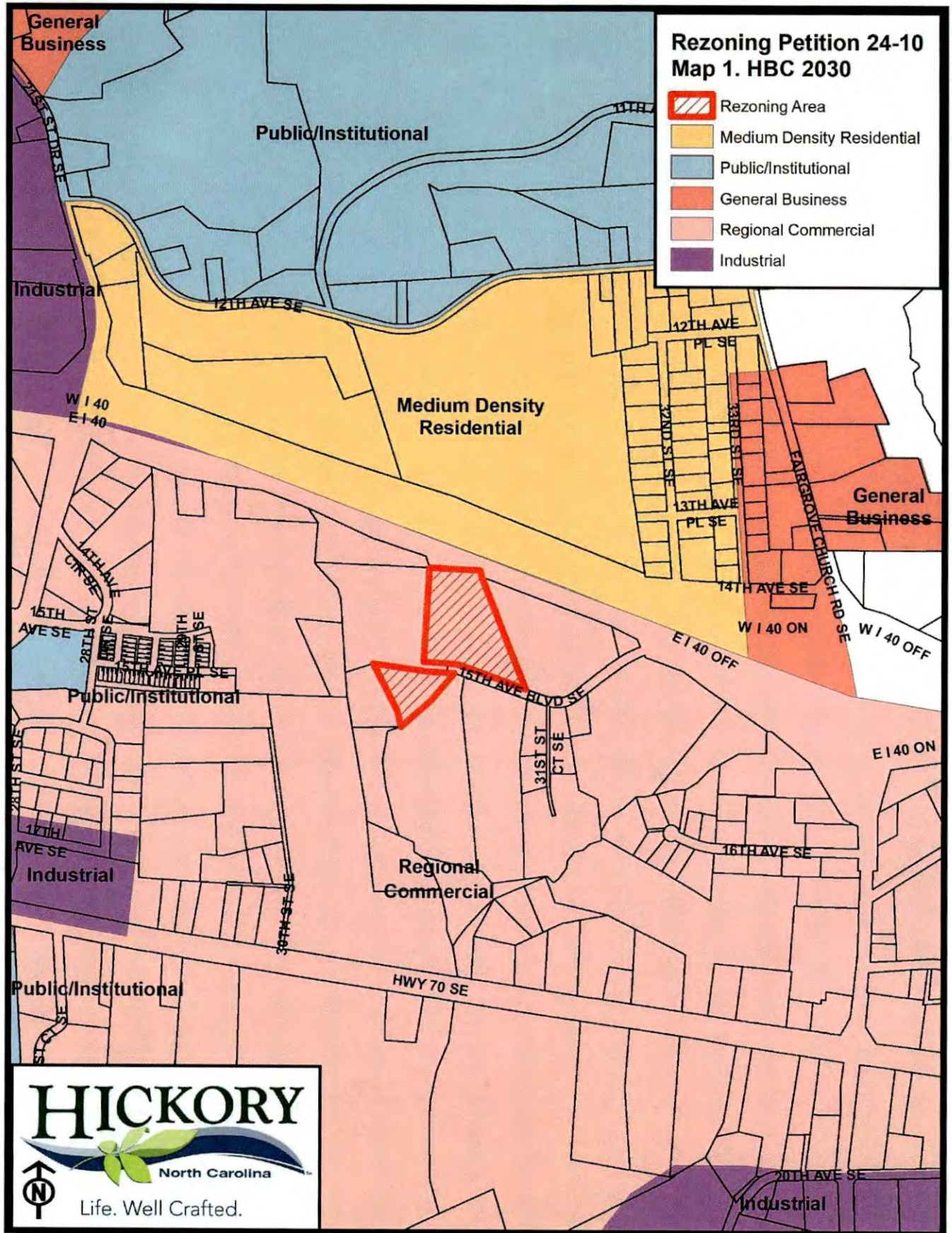
RECOMMENDED ACTION:

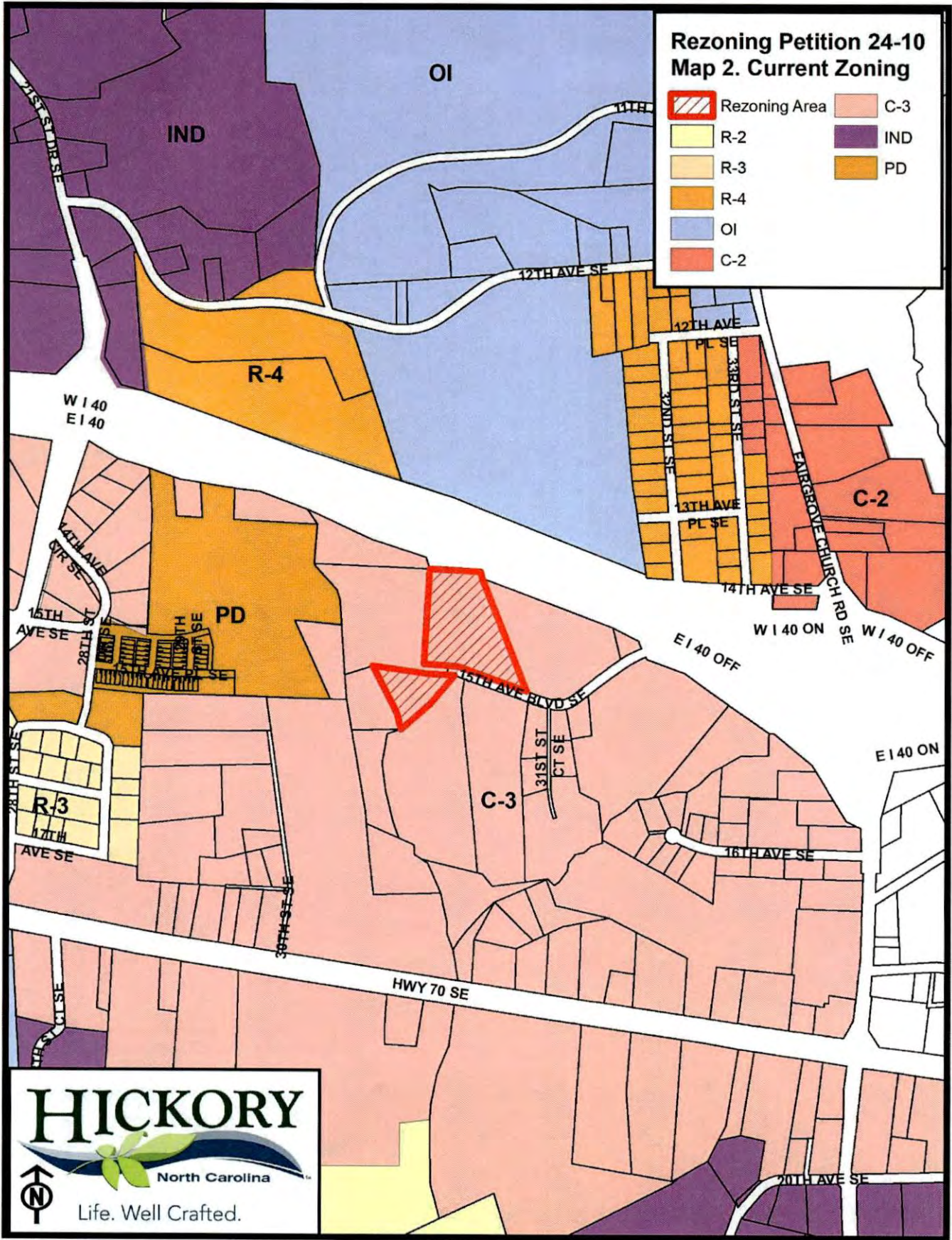
The Hickory Regional Planning Commission conducted a public hearing on September 25, 2024 to consider the petition. During the public hearing, the owner spoke in favor of the rezoning petition, while no one spoke in opposition.

Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's inconsistency with the Hickory by Choice 2030 Comprehensive Plan, but found the request to be reasonable due to changes in regional transportation plans. Based upon its findings, the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT:

As of October 3, 2024 staff has received no inquiries regarding this petition.







ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 8.56 ACRES OF PROPERTY LOCATED AT 3109 15TH AVENUE BOULEVARD SE AND AN ADJACENT VACANT LOT, FROM REGIONAL COMMERCIAL (C-3) TO INDUSTRIAL (IND).

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

WHEREAS, the property owner has been petitioned to rezone +/- 8.56 acres of property located at 3109 15th Avenue Boulevard Se and an adjacent vacant lot, more particularly described on **Exhibit A** attached hereto, to allow an Industrial (IND) District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on September 25, 2024, and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 24-10 to be inconsistent with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

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

SECTION 1. Findings of fact.

- The subject properties are located at 3109 15th Avenue Boulevard SE and an adjacent vacant lot and identified as PINs 372107586862 and 372107586590.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is inconsistent with the Hickory by Choice 2030 Comprehensive Plan, but addresses changing conditions since the plan's adoption.

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

Ordinance NO. _____
Hickory City Council
Page 1 of 5

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The area is classified as Regional Commercial by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan explains the Regional Commercial designation as areas located along the City's major transportation corridors. These areas are automobile oriented and contain goods, services and entertainment activities for city residents as well as patrons from surrounding communities.

The Hickory by Choice 2030 Comprehensive Plan lists C-3 as being the implementing district for the Regional Commercial designation. Likewise IND is listed as the implementing district for Industrially designated areas.

While the two prior paragraphs outline Industrial zoning is inconsistent with the plan's recommendations, a few other points need to be added. First, the manufacturing facility is a legally conforming business that has been in operation for a number of years. Secondly, Hickory's Land Development Code permits industrial uses in Regional Commercial (C-3) districts with a size limitation.

On the first point, the existing and continued operation of the Rubber Mill facility has and will be compatible with the area. The property is located on a less traveled street, bordered on the north by Interstate 40, and is adjacent to an industrial service use (Shull Transport), and close to another (Volvo Trucks). The second point, from a policy standpoint, the City's Land Development Code acknowledges industrial services of scale to their location are compatible with Regional Commercial areas.

Furthermore, the current regional transportation plan has changed, and a connector road that would have provided access to accommodate regional commercial development has been eliminated, and such limited access now hinders the possibility for this type of development.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a Regional Commercial area providing opportunities for shopping dining, entertainment and personal services. Industrial uses are permitted in the current C-3 zoning, as well as the requested IND zoning, with the difference being the scale of any such operation. Additionally, the existing industrial use is a legally conforming use, which would benefit from the change in zoning and continue to operate as it has for years to come.

Ordinance NO. _____
 Hickory City Council
 Page 2 of 5

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

The development regulations contained within the Hickory Land Development Code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.

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

The subject properties have access to a city maintained roadway, 15th Avenue Boulevard SE, as well as access to public utilities. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is a mixture of residential and industrial service. The property is best suited to continue its current use, which is industrial service. Public resources to provide critical public services are in place or will be provided by the property owner to service any future development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

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

The current C-3 zoning permits for industrial uses, which is the current use of the property. The requested IND zoning permits the same use, but at greater intensity.

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

The existing use, industrial, has been in operation for some years. If any impacts were to be caused, the impacts would have been realized in years past. Any expansions of the operations taking place on the properties will be required to adhere to all current development standards.

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

Public resources to provide critical public services are in place or will be put in place by the property owner should additional development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.

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

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

Based upon these findings, the petition has been found Rezoning Petition 24-10 to be inconsistent with the Hickory by Choice 2030 Comprehensive Plan, but the rezoning of the properties addresses conditions that have changed since the plan’s adoption.

SECTION 4. This Ordinance shall become effective upon adoption.

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

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

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

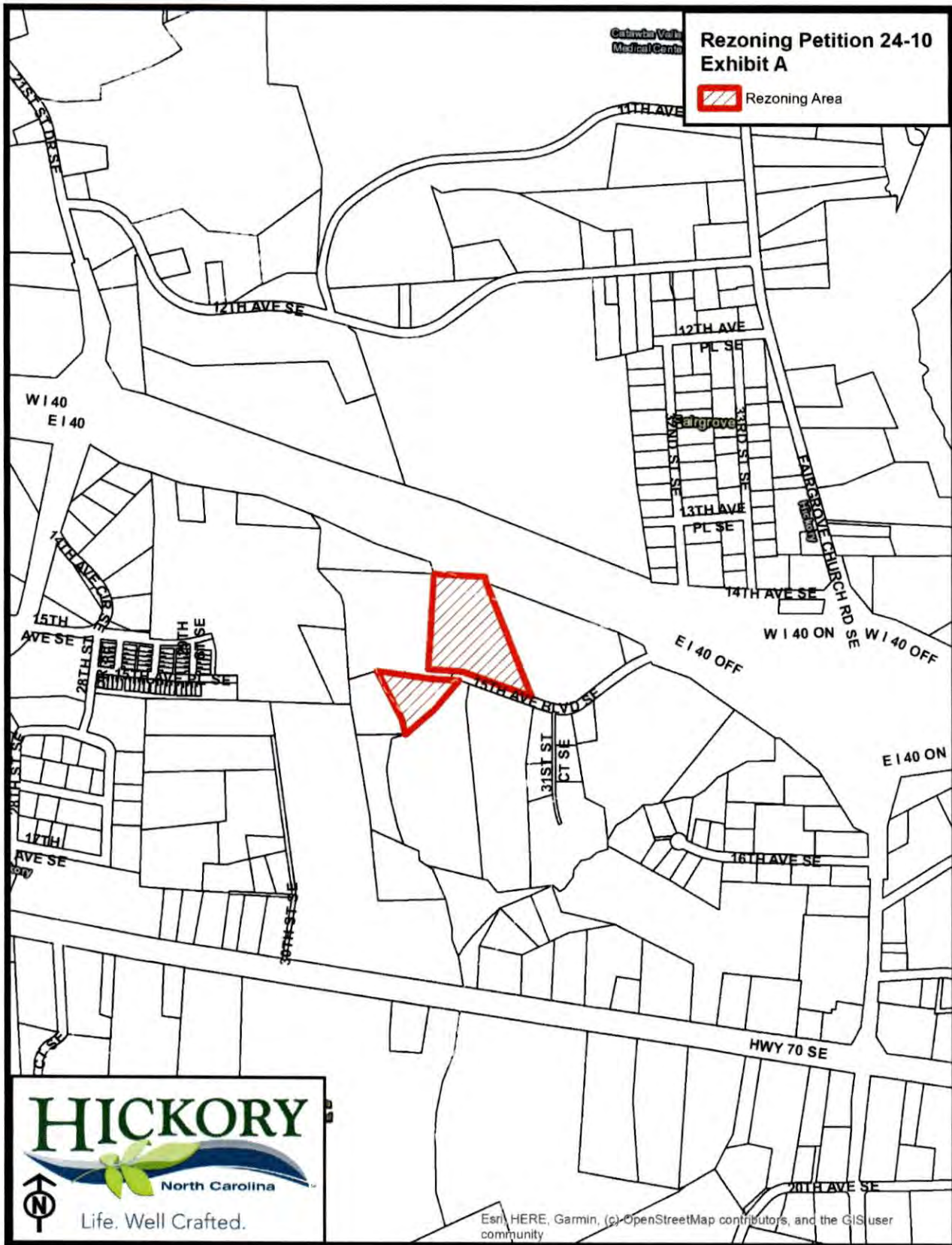
Attorney for the City of Hickory

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

Kari Dwyer

City of Hickory
Finance Officer

Ordinance NO. _____
Hickory City Council
Page 4 of 5



Ordinance NO. _____
Hickory City Council
Page 5 of 5

RESOLUTION NO. 24-_____

RESOLUTION OF THE CITY OF HICKORY CITY COUNCIL REGARDING THE ABOLISHMENT OF THE CITY OF HICKORY PUBLIC HOUSING AUTHORITY AND THE TRANSFER TO THE WESTERN PIEDMONT COUNCIL OF GOVERNMENTS

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) provides funds for the provision of affordable housing through its public housing programs; and

WHEREAS, the City of Hickory Public Housing Authority (“PHA”) was created to administer said funds and manage all associated assets with the public housing program; and

WHEREAS, HUD issued reports in 2012 and 2015 detailing a lack of adequate housing authority board oversight and administration and the City continues to receive complaints about the PHA; and

WHEREAS, HUD encourages the consolidation of public housing authorities to provide better administration of HUD programs and funds; and

WHEREAS, a regional public housing authority provides greater economic and housing mobility for program clients; and

WHEREAS, the Western Piedmont Council of Governments (“WPCOG”) has been designated as a regional public housing authority since January 1, 1978 pursuant to Chapter 157 of the North Carolina General Statutes; and

WHEREAS, N.C.G.S. §§ 160A-475 and 157-4.1A authorizes the City of Hickory to delegate by resolution any powers to the WPCOG, including the transfer of its public housing authority.

NOW, THEREFORE BE IT RESOLVED:

1. The City of Hickory, effective July 1, 2025, hereby abolishes the City of Hickory Public Housing Authority pursuant to Chapter 157 of the North Carolina General Statutes.
2. The City of Hickory authorizes the WPCOG to exercise all appropriate powers related to a public housing authority within the jurisdiction of the City.
3. The PHA itself, and any person or organization administering the programming and/or assets of the PHA, is directed to transfer all funds, files, titles, equipment and other assets to the WPCOG in a cooperative manner.
4. The Mayor and City Manager are authorized to execute any necessary documents to implement this transfer to the WPCOG.

5. The City of Hickory requests that HUD approve this transfer with an effective date of July 1, 2025.

6. Pursuant to N.C.G.S. § 157-4.1A(e), City Council appoints Anthony W. Starr, or if he is unable to serve, his successor as Executive Director of the WPCOG, as interim executive director of the PHA to work with the PHA to facilitate transfer of all funds, files, titles, equipment and other assets of the PHA to the WPCOG. Mr. Starr or his successor shall serve as interim director of the PHA until the transfer to WPCOG is complete. Mr. Starr or his successor, as interim executive director of the PHA, shall have all the powers and duties granted to an executive director pursuant to N.C.G.S. § 157-5(e) along with the bylaws, rules, regulations, and policies of the PHA.

Read, approved and adopted this _____ day of _____, 2024.

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

(SEAL)

ATTEST:

Hank Guess, Mayor

Debbie D. Miller, City Clerk

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

Timothy D. Swanson, City Attorney