

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

Tony Wood	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.
- II. Invocation by Reverend Charles Kyker, Christ United Methodist Church, and Hickory Police Chaplain
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

- A. Regular Meeting of July 16, 2024.

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

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

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

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

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

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

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

Hickory Police Department requests City Council's approval to award Sergeant Randy Isenhour with his service weapon (Glock Model - Serial # UHF233) and badge upon his retirement August 1, 2024. Sergeant Randy Isenhour will retire from the City of Hickory Police Department August 1, 2024, after completing over 29 years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to Sergeant Randy Isenhour upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to Sergeant Randy Isenhour upon his retirement from Hickory Police Department.

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

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

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

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

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

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

Certificate of Sufficiency  
(No. 24-02)

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

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

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

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

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

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

/s/ Debbie D. Miller, City Clerk

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

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

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

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

RESOLUTION NO. 24-47  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED  
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Limited NC Properties, LLC requesting annexation of an area described in a petition was received on July 18, 2024 by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

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

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

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-48  
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,  
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on August 20, 2024 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

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

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

RESOLUTION NO. 24-49  
A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE  
LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OF LIMITED NC  
PROPERTIES, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

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

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 6<sup>th</sup> day of August 2024, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

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

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on August 20, 2024 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

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

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

RESOLUTION NO. 24-50  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED  
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Futuro, LLC requesting annexation of an area described in a petition was received on July 18, 2024 by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

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

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

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-51

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on August 20, 2024 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:  
  
Property of Futuro, LLC, located adjacent to 298 19<sup>th</sup> Avenue SE, Hickory, containing 17.57-acres more or less, and identified as PIN 3701-07-67-5744.

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

RESOLUTION NO. 24-52

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

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

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 6<sup>th</sup> day of August 2024, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory

to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on August 20, 2024 in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

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

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

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

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

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

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

Staff requests Council's approval of an Agreement for Professional Services with Rummel, Klepper, & Kahl, LLP (RK&K) for CEI Services related to the 17<sup>th</sup> Street NW Extension (HL-0004) in the amount of \$626,814.67, contingent on North Carolina Department of Transportation (NCDOT) concurrence. The City of Hickory received \$6M from a Surface Transportation Block Grant – Direct Attributable Award from the Greater Hickory

Metropolitan Planning Organization (MPO) to extend 17<sup>th</sup> Street NW from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. This new connector will serve as an alternative to US 321 for local traffic and provide additional access for the newly planned Appalachian State University Campus. A construction, engineering, and inspections firm is needed for construction services for 17<sup>th</sup> Street NW Extension, including a multi-use path, from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. The extension would provide a continuous route from US 70 to Clement Boulevard NW and could provide a parallel alternative to US 321. The connection from the 17<sup>th</sup> Street NE Extension would also provide a safer route for cyclists to reach Aviation Walk that includes a bicycle and pedestrian bridge over US 321 north of Clement Boulevard. Rummel, Klepper, & Kahl, LLP (RK&K) was selected based on qualifications-based proposals and was concurred with by NCDOT. RK&K's fees were negotiated by City of Hickory staff and NCDOT staff. Fees are eligible for reimbursement with NCDOT funds at the same ratio of 80% NCDOT (\$501,451.74) and 20% City of Hickory (\$125,362.93). CE&I services include the following: construction inspections, construction materials testing, and construction administration. Staff recommends Council's approval of an Agreement for Professional Services with Rummel, Klepper, & Kahl, LLP (RK&K) for CEI Services related to the 17<sup>th</sup> Street NW Extension (HL-0004) in the amount of \$626,814.67, contingent on NCDOT concurrence.

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

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

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

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

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

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

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

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

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

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

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

Sec. 11-47. - Fire lanes.

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

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

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

Sec. 18-121. - Violations.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Sec. 18-215. - Penalty for violation.

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

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

8. This Ordinance shall become effective upon adoption.

L. Approved on First Reading Budget Revision Number 2

ORDINANCE NO. 24-29  
BUDGET REVISION NUMBER 2

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2025, and for the duration of the Project Ordinance noted herein.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

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

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

Regional Planning Commission conducted a public hearing on July 24, 2024, to consider the proposed amendments and acknowledged the amendments consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (8-0) to recommend approval of the amendments. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

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

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

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

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

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

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

Alderman Wood thanked Mr. Overby.

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

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

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

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

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

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

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

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

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

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

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

Alderwoman Patton asked if they had to have permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Alderman Wood commented like having a new vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### ORDINANCE NO. 24-30

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

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

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

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

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

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

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

#### SECTION 1. Findings of Consistency and Reasonableness.

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

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

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



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

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

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

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

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

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

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Alderwoman Williams asked if the penalty was just impounding.

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

Alderwoman Williams asked if there was jail time or anything.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Mayor Guess asked for questions.

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

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

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

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

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

Mr. Leonetti commented working with the trail system.

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

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

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

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

3. Appointments to Boards and Commissions

**BUSINESS DEVELOPMENT COMMITTEE**

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

VACANT

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

**CITIZENS ADVISORY**

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

VACANT

VACANT

**COMMUNITY APPEARANCE COMMISSION**

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

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

**COMMUNITY RELATIONS COUNCIL**

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

**HICKORY REGIONAL PLANNING COMMISSION**

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

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

**HISTORIC PRESERVATION COMMISSION**

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

**LIBRARY ADVISORY BOARD**

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

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

**PUBLIC ART COMMISSION**

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

**PUBLIC HOUSING AUTHORITY**

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

Appointment of a Staff Liaison to the Public Housing Authority Board

**RECYCLING ADVISORY BOARD**

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

**YOUTH COUNCIL**

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

Youth Council Applicant Review Committee Recommends the Following Appointments:

Hickory High School VACANT  
 Homeschool VACANT

Alderwoman Williams moved seconded by Alderwoman Patton approval of the above nominations. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Mayor Guess apologized to Doctor Millsaps who was in attendance. He thought he was representing as a Scout Leader.

Doctor Millsaps advised that was correct..

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

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

Mayor Guess asked if the ladies wanted to say anything.

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

Caroline Millsaps introduced herself.

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

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

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

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

City Manager Warren Wood advised they would display it upstairs.

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

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

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Mayor

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City Clerk