

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 20, 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, Administrative Assistant Iris Childers, and City Clerk Debbie D. Miller

I. Mayor Guess called the meeting to order. All Council members were present.

II. Invocation by Reverend William Sturm, Sandy Ridge Baptist Church

III. Pledge of Allegiance

IV. Special Presentations

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of August 6, 2024

Alderwoman Patton moved, seconded by Alderman Seaver that the Minutes of August 6, 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 Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Approval of Amending the Parking Enforcement Provisions of the City of Hickory Code or Ordinance. (First Reading Vote: Unanimous)

B. Budget Revision Number 2. (First Reading Vote: Unanimous)

C. Consideration of Text Amendment 24-01 to the City's Land Development Code. (First Reading Vote: Unanimous)

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

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

A. Approved the Purchase of Equipment from White's International Truck in the Amount of \$145,728, through the NC State Contract 22-08-0913.

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

B. Approved the Contract Amendment with KCI Technologies, Inc. in the Amount of \$43,890 for Grant Administration for the Snow Creek Pump Station Project.

Staff requests Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$43,890 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station. On January 21, 2024, Public Utilities applied for supplemental grant funding for an Emergency Management Disaster Relief and Mitigation grant through the NC Department of Public Safety (NCDPS). This grant application was intended to assist with cost overruns anticipated due to construction cost increases realized between the FEMA BRIC grant award and projected construction. NCDPS approved this application and awarded the City

of Hickory a grant in the amount of up to \$736,523 on May 3, 2024, for Snow Creek Pump Station relocation, flood hardening, and streambank restoration along Snow Creek, which Council approved on June 18, 2024. Council approved the contract with KCI Technologies Inc. for the design, permitting, bidding, grant administration, and construction project administration for FEMA BRIC grant project for flood mitigation at the Snow Creek Pump Station on July 19, 2023. This contract amendment will include the necessary grant management, reporting, and reimbursement requests required of the additional Disaster Relief and Mitigation Grant. Staff recommends Council's approval of the contract amendment with KCI Technologies Inc. in the amount of \$43,890 for the grant administration of the North Carolina Disaster Relief and Mitigation Fund grant project for flood mitigation at the Snow Creek Pump Station.

- C. Approved the Contract Amendment with KCI Technologies, Inc. in the Amount of \$52,000 for Grant Administration for the Northeast Wastewater Treatment Facility Project.

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

- D. Acknowledged the Conflict of Interest for Two Non-Profit Applicants from the City's Community Development Block Grant Program.

Staff requests Council's acknowledgement of the publication of the notice of a conflict of interest stemming from a nonprofit's application for funding from the City's Community Development Block Grant Program (CDBG). The City of Hickory is a participating jurisdiction in the United States Department of Housing and Urban Development's (HUD) Community CDBG program that allows funding to nonprofit organizations to undertake eligible activities. The City has received an application for funding from a nonprofit who has a Citizen's Advisory Committee member who sits on its Board of Directors and another nonprofit who has two current City employees who sit on its Board of Directors. Federal regulations governing the CDBG program require that in order for the applicant to be eligible for any benefit for Public Service Activities funding, the City, as the participating jurisdiction, must provide disclosure of the potential conflicts associated with this application. Pursuant to the CDBG Program's Conflict of Interest Regulations (24 C.F.R. §570.611), the City, as a participating jurisdiction in the CDBG Program, hereby is providing public notice of the potential conflicts of interest raised by the nonprofit's application to the City's CDBG Program. The notice is posted on the City's website, City Hall, Patrick Beaver Memorial Library and the Ridgeview Library. Staff requests Council's acknowledgement of the publication of notice of a conflict of interest stemming from two nonprofit's application for funding from the City's Community Development Block Grant Program.

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

Staff requests Council's approval of change order number 1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for construction phase services including design modifications and consulting services as directed by the City of Hickory during the construction phase of HL-0004 in the amount of \$49,897.54, contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The City of Hickory received \$6M from a Surface Transportation Block Grant – Direct Attributable Award from the Greater Hickory Metropolitan Planning Organization (MPO) to extend 17<sup>th</sup> Street NW from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. This new connector will serve as an alternative to US 321 for local traffic and provide additional access for the newly planned Appalachian State University Campus. Construction phase services are needed for 17<sup>th</sup> Street NW Extension, including a multi-use path, from 9<sup>th</sup> Avenue NW to Clement Boulevard NW. TGS provided PE and Design service for HL-0004

and this change order will be an extension to their existing contract adding construction phase services including design modifications and consulting services. Staff recommends Council’s approval of change order number 1 to the Agreement for Professional Services with Thomas, Gordan and Shook (TGS) Consulting Engineers, Inc. for design modifications and consulting services related to HL-0004 in the amount of \$49,897.54 contingent upon NCDOT concurrence.

F. Approved on First Reading Budget Revision Number 3.

**ORDINANCE NO. 24-31  
BUDGET REVISION NUMBER 3**

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2025, and for the duration of the Project 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 |
|----------------------|----------|----------|
| Public Safety        | 15,789   | -        |
| Culture & Recreation | 22,305   | -        |
| General Government   | -        | 291,898  |
| Other Financing Uses | 517,898  | -        |
| TOTAL                | 555,992  | 291,898  |

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

| FUNCTIONAL AREA         | INCREASE | DECREASE |
|-------------------------|----------|----------|
| Sales and Services      | 25,305   | -        |
| Other Financing Sources | 238,789  | -        |
| TOTAL                   | 264,094  | -        |

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

| FUNCTIONAL AREA      | INCREASE | DECREASE |
|----------------------|----------|----------|
| Other Financing Uses | 95,890   | -        |
| TOTAL                | 95,890   | -        |

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

| FUNCTIONAL AREA         | INCREASE | DECREASE |
|-------------------------|----------|----------|
| Other Financing Sources | 95,890   | -        |
| TOTAL                   | 95,890   | -        |

SECTION 3. To amend the Northeast Wastewater Treatment Facility FEMA Grant (#83309) Capital Project Ordinance the expenditures shall be amended as follows:

| FUNCTIONAL AREA                | INCREASE | DECREASE |
|--------------------------------|----------|----------|
| Water & Sewer Capital Projects | 52,000   | -        |
| TOTAL                          | 52,000   | -        |

To provide funding for the above, the Northeast Wastewater Treatment Facility FEMA Grant (#83309) revenues will be amended as follows:

| FUNCTIONAL AREA         | INCREASE | DECREASE |
|-------------------------|----------|----------|
| Other Financing Sources | 52,000   | -        |
| TOTAL                   | 52,000   | -        |

SECTION 4. To amend the Snow Creek Pump Station FEMA Grant (#83312) Capital Project Ordinance the expenditures shall be amended as follows:

| FUNCTIONAL AREA                | INCREASE | DECREASE |
|--------------------------------|----------|----------|
| Water & Sewer Capital Projects | 43,890   | -        |
| TOTAL                          | 43,890   | -        |

To provide funding for the above, the Snow Creek Pump Station FEMA Grant (#83312) revenues will be amended as follows:

| FUNCTIONAL AREA | INCREASE | DECREASE |
|-----------------|----------|----------|
|-----------------|----------|----------|

|                         |        |   |
|-------------------------|--------|---|
| Other Financing Sources | 43,890 | - |
| TOTAL                   | 43,890 | - |

SECTION 5. To amend the 17<sup>th</sup> Street Northwest Extension (#54618) Capital Project Ordinance the expenditures shall be amended as follows:

| FUNCTIONAL AREA          | INCREASE  | DECREASE |
|--------------------------|-----------|----------|
| General Capital Projects | 1,249,898 | -        |
| TOTAL                    | 1,249,898 | -        |

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 |
|------------------------------|-----------|----------|
| Other Financing Sources      | 291,898   | -        |
| Restricted Intergovernmental | 958,000   | -        |
| TOTAL                        | 1,249,898 | -        |

SECTION 6. To amend the Sandy Ridge Intersection (#54615) Capital Project Ordinance the expenditures shall be amended as follows:

| FUNCTIONAL AREA          | INCREASE  | DECREASE |
|--------------------------|-----------|----------|
| General Capital Projects | 1,130,000 | -        |
| TOTAL                    | 1,130,000 | -        |

To provide funding for the above, the Sandy Ridge Intersection (#54615) revenues will be amended as follows:

| FUNCTIONAL AREA              | INCREASE  | DECREASE |
|------------------------------|-----------|----------|
| Other Financing Sources      | 226,000   | -        |
| Restricted Intergovernmental | 904,000   | -        |
| TOTAL                        | 1,130,000 | -        |

SECTION 7. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

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

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

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

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with the Voluntary Non-Contiguous Annexation of 15.5-acres, located on Kool Park Road, across from 24<sup>th</sup> Street NE, Hickory, North Carolina, owned by Limited NC Properties, LLC.

Planning Director Brian Frazier gave a PowerPoint presentation. He discussed the voluntary satellite annexation. The current development was vacant. The future development would be residential for single family detached dwelling units. The annexation was being sought to gain public utilities, sanitary sewer. He referred to the PowerPoint and displayed a map. He pointed out the City limits, the extra-territorial jurisdiction (ETJ), the property located in the County, Lawson's Creek Subdivision, Brookfield Subdivision, Kool Park Road, Sandy Ridge Baptist and Sandy Ridge Road. He displayed a map and pointed out the current zoning, the R-2 area, the areas around it were principally R-1, and County R-20. He pointed out the subject property, Lawson's Creek, Brookfield Subdivision, and Kool Park. He displayed an aerial ortho and pointed out the proposed annexation area, Brookfield Subdivision, and Kool Park Road. He noted behind Brookfield, running through the property, bisecting it, was Snow Creek. He discussed staff's findings and recommendations. The annexation petition, they believed, complied with all annexation statutes and public services were available. The annexation of the property would not cause public services to fall below acceptable levels. Based on these findings, staff respectfully recommended approval of the requested annexation. He asked for any questions from Council.

Mayor Guess asked if there were any questions for Mr. Frazier.

Alderman Wood referred to Snow Creek which had historically been a flood issue in certain parts of Snow Creek. He asked if there would be a retention pond required on this property to mitigate runoff?

Planning Director Brian Frazier advised that he could almost assuredly say yes. There was some rough topo in there. The area had the blue line stream that was governed by the Corp of Engineers, and there was fairly extensive floodplain. This was one of several proposals since he had been at the City to develop this property. It was just tough. He did not think there was going to be any more than a dozen, if they could even get a dozen units in there, with the stormwater control measures and such.

Alderman Wood commented that if it was done right, it would help them with Snow Creek and the flooding, it would take pressure off of it.

Planning Director Brian Frazier confirmed that was exactly correct.

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

#### PROPONENT

Mr. Jeff Hunter, 17 Woodgate Court, Durham, NC, advised he was the agent who submitted the annexation. He thanked Council for this opportunity and appreciated the introduction and presentation. He represented the owner of the property, and they see the opportunity for some residential development here. He understood that there were some constraints that would have to be dealt with and they were fully prepared to address those.

Council members thanked Mr. Hunter.

Mayor Guess asked if anyone else wished to speak in favor. No one appeared. He closed the public hearing.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the voluntary non-contiguous annexation of 15.543-acres, located on Kool Park Road NE, across from 24<sup>th</sup> Street NE. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 504  
VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)  
Limited NC Properties, LLC

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 20<sup>th</sup> day of August 2024; and

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

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, will not exceed ten percent (10%) of the area within the primary corporate limits of the City of Hickory.

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

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

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

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

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

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

Beginning at pipe, the northwest corner of Lot 1 of Brookfield Subdivision as shown in Plat Book 43 at Page 137 in the west line of the existing City of Hickory city limits as shown in Plat Book 46 at Page 98, said pipe being located North 74 degrees 30 minutes 19 seconds East 6,689.18 feet from NCGS Monument "Honeycutt", said monument having N.C. grid coordinates (NAD 83/1986) of N 225,835.502 (m), E 401,165.052 (m) and running thence, with the existing city limits and the west line of Lots 1-7 of Brookfield Subdivision, the following calls: South 16 degrees 58 minutes 46 seconds West 181.29 feet to a rod in the west line of Lot 2; thence South 18 degrees 52 minutes 35 seconds West 35.08 feet to a rod, the southwest corner of Lot 2; thence, continuing the same bearing, a distance of 95.00 feet to a rod, the southwest corner of Lot 3; thence, continuing the same bearing, a distance of 95.00 feet to a rod, the southwest corner of Lot 4; thence, continuing the same bearing, a distance of 98.29 feet to the southwest corner of Lot 5; thence,

continuing the same bearing, a distance of 76.76 feet to a rod, the southwest corner of Lot 6; thence, continuing the same bearing, a distance of 194.87 feet to a pipe, the southwest corner of Lot 7; thence, with the existing city limits, the north line of Brookfield Subdivision, the lands of the City of Hickory as described in Deed Book 2262 at Page 482 and the center of Snow Creek as it meanders, North 66 degrees 12 minutes 05 seconds West 179.19 feet to a point; thence North 48 degrees 43 minutes 47 seconds West 15.82 feet to a point; thence North 50 degrees 38 minutes 22 seconds West 207.88 feet to a point; thence, as new City of Hickory city limits and with the east line of the lands of Matthew Poteet as described in Deed Book 3209 at Page 311, crossing the eastern terminus of the unopened right-of-way of 24<sup>th</sup> Avenue Drive NE, the east line of the lands of Carol E. Baker LFI as described in Deed Book 3454 at Page 1186 and the center of Snow Creek as it meanders, the following calls: North 45 degrees 21 minutes 24 seconds West 201.66 feet to a point; thence North 36 degrees 15 minutes 48 seconds West 64.79 feet to a point; thence North 07 degrees 25 minutes 00 seconds East 29.68 feet to a point; thence North 82 degrees 40 minutes 58 seconds East 21.06 feet to a point; thence North 28 degrees 34 minutes 06 seconds West 104.33 feet to a point; thence North 07 degrees 24 minutes 50 seconds West 38.32 feet to a point; thence North 17 degrees 14 minutes 07 seconds East 31.79 feet to a point; thence North 39 degrees 32 minutes 04 seconds west 76.53 feet to a point; thence North 28 degrees 34 minutes 22 seconds West 96.28 feet to a point; thence North 16 degrees 57 minutes 39 seconds West 108.13 feet to a point; thence North 28 degrees 40 minutes 00 seconds West 66.03 feet to a point; thence North 29 degrees 56 minutes 02 seconds West 32.87 feet to a point; thence North 27 degrees 24 minutes 00 seconds East 75.55 feet to a point; thence North 16 degrees 28 minutes 21 seconds West 57.99 feet to a point; thence North 44 degrees 59 minutes 51 seconds East 12.84 feet to a point; thence North 21 degrees 56 minutes 22 seconds East 42.34 feet to a point; thence North 06 degrees 10 minutes 55 seconds West 64.29 feet to a point; thence North 37 degrees 09 minutes 26 seconds East 38.71 feet to a point; thence North 01 degrees 58 minutes 21 seconds West 122.89 feet to a point; thence North 11 degrees 06 minutes 19 seconds East 63.33 feet to a point; thence North 57 degrees 58 minutes 13 seconds East 32.23 feet to a point in the center of Kool Park Road (S.R. 1400); thence, with the center of Kool Park Road (S.R. 1400) and as new city limits lines, the following calls: South 45 degrees 12 minutes 48 seconds 225.00 feet to a point; thence South 50 degrees 31 minutes 50 seconds East 92.00 feet to a point; thence South 53 degrees 33 minutes 13 seconds East 100.00 feet to a point; thence South 56 degrees 16 minutes 40 seconds East 135.00 feet to a point; thence South 57 degrees 40 minutes 47 seconds East 532.00 feet to a point; thence, leaving the center of Kool Park Road (S.R. 1400) and with existing city limits, South 16 degrees 58 minutes 46 seconds West 31.11 feet to the point of beginning. Containing 15.543 acres more or less.

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

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

Section 3. The newly-annexed territory described herein shall become part of Ward No. 6 of the City of Hickory.

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

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

Consideration of the voluntary satellite annexation of 17.57 acres of property located adjacent to 298 19<sup>th</sup> Avenue SE, identified as PIN 370107675744. The property is currently located within the City of Hickory's extraterritorial jurisdiction and is being developed as the second and final phase of the Stonebrook residential subdivision. The property is zoned Planned Development, which was initially approved in the late 1990s, and consisted of several hundred single and multi-

family homes. Through the years the plans have changed to where the development now consists of only single-family homes. The current approved plans for phase 2 of the development are 185 single-family lots. The property owner desires to connect the property to City sewer service, which requires annexation. Surrounding properties are zoned R-1 and R-2 Residential, as well as Planned Development. The surrounding areas consist of residences and vacant land. The current tax value of the property is \$309,787. If annexed, the property would generate \$1,410 in additional tax revenues. This value does not consider any new lots or residences constructed upon them. Upon analysis, staff determined the petition meets the statutory requirements for voluntary satellite annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

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

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with the Voluntary Non-Contiguous Annexation of 17.57-acres, located adjacent to 298 19<sup>th</sup> Avenue SE, owned by Futuro, LLC.

Planning Director Brian Frazier gave a PowerPoint presentation. He advised the development was vacant. The future development was residential. The agent, Oscar Vasquez for Futuro, LLC, had finished the infill for the subdivision for Stonebrook. Several years ago, the project had basically gone under. Mr. Vasquez brought it back to life, finished the infills, probably about 15 or 20 lots. There had been many iterations of this property over the past 18-19 years, and right now the property just to the north of it was already within the City limits and had been platted for 185 single family residences. He referred to the PowerPoint and displayed a map. He pointed out the City boundary, the extra-territorial jurisdiction (ETJ), the area located in Brookford, the annexation area, the Hickory City limits, Catawba Valley Boulevard running east/west, Highway 70 and I-40. He displayed a map and pointed out the area being considered for future annexation, planned development, the Brookford zoning, and Hickory zoning. He noted this was basically a low to medium density area surrounding the Stonebrook Subdivision project. He pointed out Stonebrook, the first phase to the north, the southern phase was what they were discussing this evening. He pointed out I-40, to the north Grandview Middle School, Hickory Fire Department Station Number 7, and the proposed Blueberry Farm Subdivision property. He discussed the staff's findings and recommendation. The annexation petition, they believed complied with all applicable rules. Public services were available, and public services would continue to meet acceptable levels. Staff respectfully recommended approval of this requested annexation. He asked for any questions.

Mayor Guess asked for any questions for Mr. Frazier pertaining to this annexation.

Alderman Freeman commented that not only was this property in his ward, but basically they were his next-door neighbors. They would be right there by the church.

Alderman Wood asked if he had an idea if the homes would be consistent in construction with what was in Stonebrook now. Did he have a sense of that?

Planning Director Brian Frazier advised they had not gotten that far with that. They had not gotten down to that nitty gritty yet. The planned development things were flexible. There may be some changes in the proposed single family detached possibly, to single family attached, depending on the market. Unfortunately, over the past half dozen or more years, the General Assembly does not allow them to regulate or even have guidelines for one- or two-family dwelling units.

City Manager Warren Wood advised that single family attached was townhomes.

Planning Director Brian Frazier confirmed that was correct.

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

Alderman Patton moved, seconded by Alderman Williams approval of the voluntary non-contiguous annexation of 17-57-acres, located adjacent to 298 19<sup>th</sup> Avenue SE. The motion carried unanimously.



ANNEXATION ORDINANCE NO. 505  
VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)  
Futuro, LLC

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 20<sup>th</sup> day of August 2024; and

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

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, will not exceed ten percent (10%) of the area within the primary corporate limits of the City of Hickory.

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

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

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

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

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

That certain parcel or tract of land lying and being about 2.25 miles south southeast of the center of the City of Hickory. Bounded on the north by the lands of the following: existing City of Hickory city limits as shown in Plat Book 51 at Page 112 and Plat Book 58 at Page 110, Futuro, LLC as described in Deed Book 3327 at Page 601, the 45' right-of-way of 2<sup>nd</sup> Street Lane SE, Robert J. Weiss as described in Deed Book 3543 at Page 440, Brandon E. Smith as described in Deed Book 3691 at Page 985, Lam P. Bui as described in Deed Book 3504 at Page 186, Shea Robert Pennington as described in Deed Book 3663 at Page 1624, Xuan Thi Kim Phan as described in Deed Book 3503 at Page 1077, Ho P. Bui as described in Deed Book 3513 at Page 487, Linda Parsley as described in Deed Book 3857 at Page 1036, Dhaval Patel as described in Deed Book as described in 3196 at Page 1933 and Deed Book 3336 at Page 1370, Rachel Manuel O'Hara as described in Deed Book 3390 at Page 987, Seyed Nader Nazemi as described in Deed Book 3481 at Page 167, Lam Bui as described in Deed Book 3428 at Page 36, Shaku

H. Patel as described in Deed Book 3731 at Page 993, Hung Tran as described in Deed Book 3421 at Page 121, Futuro, LLC as described in Deed Book 3327 at Page 601, Futuro, LLC as described in Deed Book 3327 at Page 601, the 45' right-of-way of 2<sup>nd</sup> Street Drive SE, Futuro, LLC as described in Deed Book 3327 at Page 601, T. Mae Morrison as described in Deed Book 3621 at Page 1393; on the east by the lands of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092; on the south by the lands of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092, Loretta Evans Carpenter as described in Deed Book 2510 at Page 567, Henry Clay Evans as described in Deed Book 1215 at Page 47, Rose Ann Evans as described in Deed Book 3421 at Page 1804; on the west by the lands of Futuro, LLC as described in Deed Book 3327 at Page 601 and more particularly described as follows, to wit.

Beginning at 5/8" rebar, the easternmost corner of the lands of T. Mae Morrison as described in Deed Book 3621 at Page 1393 in the west line of Blueberry Farms, LLC as described in Deed Book 3497 at Page 1092 and running thence, with the west line of Blueberry Farms, LLC and as new City of Hickory city limits lines the following calls: South 33 degrees 20 minutes 25 seconds East 100.13 feet to a 1/2" rebar; thence South 20 degrees 53 minutes 18 seconds East 59.98 feet to a 1/2" rebar; thence South 02 degrees 59 minutes 51 seconds East 68.98 feet to a 1/2" rod; thence, with the north line of Blueberry Farms, LLC the following calls: South 75 degrees 17 minutes 01 seconds West 457.90 feet to a 1/2" rod; thence South 75 degrees 21 minutes 08 seconds West 400.04 feet to a T fence post; thence South 04 degrees 51 minutes 59 seconds West 215.23 feet to a stone; thence South 75 degrees 11 minutes 49 seconds West 325.13 feet, passing the northeast corner of the Loretta Evans Carpenter lands as described in Deed Book 2510 at Page 567, to a 1/2" rod in the north line of Carpenter; thence, continuing with the north line of Carpenter, South 72 degrees 58 minutes 42 seconds West 180.42 feet to a 1/2" rod, the northeast corner of Henry Clay Evans as described in Deed Book 1215 at Page 47; thence, with the north line of Evans, South 82 degrees 23 minutes 34 seconds West 395.72 feet, passing the northeast corner of the Rose Ann Evans lands as described in Deed Book 3421 at Page 1804, to a 1/2" rebar; thence, continuing with the north line of Evans, South 74 degrees 23 minutes 27 seconds West 152.87 feet to a 1/2" rebar in the north line of Evans, said rebar located North 74 degrees 23 minutes 27 seconds East 374.51 feet from a 1/2" rod; thence, crossing the Futuro, LLC lands as described in Deed Book 3327 at Page 601, North 14 degrees 46 minutes 56 seconds West 465.53 feet to a 1/2" rebar; thence North 75 degrees 13 minutes 04 seconds East 100.00 feet to a 1/2" rebar, the southwest corner of the southern terminus of 2<sup>nd</sup> Street Lane SE; thence, crossing said terminus, North 75 degrees 12 minutes 58 seconds East 45.00 feet to a 1/2" rebar, the southeast corner of the aforementioned terminus and in the west line of the Robert J. Weiss lands as described in Deed Book 3543 at Page 440; thence, with the west line of Weiss, South 14 degrees 47 minutes 02 seconds East 59.13 feet to a 1/2" rebar, the southwest corner of Weiss and the southwest corner of the existing City of Hickory city limits as shown in Plat Book 58 at Page 110; thence as existing city limits the following calls: North 76 degrees 55 minutes 08 seconds East 463.39 feet to a 1/2" rebar in the south line of the Dhaval Patel lands as described in Deed Book 3336 at Page 1370; thence North 67 degrees 01 minutes 12 seconds East 210.75 feet to a 1/2" rebar in the south line of the Lam Bui lands as described in Deed Book 3428 at Page 36; thence North 48 degrees 13 minutes 09 seconds East 205.77 feet to 1/2" rebar, the southeast corner of the Futuro, LLC lands as described in Deed Book 3327 at Page 601 in the west line of other Futuro, LLC as described in Deed Book 3327 at Page 601; thence, with the line of Futuro, LLC, South 41 degrees 51 minutes 33 seconds East 90.00 feet to a 1/2" rebar; thence North 48 degrees 08 minutes 27 seconds East 57.62 feet to a 1/2" rebar; thence, with a curve to the left, said curve having a radius of 227.50 feet and a chord bearing and distance of North 36 degrees 20 minutes 40 seconds East 93.02 feet to a 1/2" rebar; thence North 24 degrees 22 minutes 40 seconds East 10.40 feet to a 1/2" rebar; thence, with a curve to the left, said curve having a radius of 25.00 feet and a chord bearing and distance of North 20 degrees 37 minutes 24 seconds West 35.36 feet to a 1/2" rebar; thence North 65 degrees 37 minutes 24 seconds West 47.56 feet to a 1/2" rebar, the southeast corner of the eastern terminus of 2<sup>nd</sup> Street Drive SE; thence, crossing said terminus, North 14 degrees 26 minutes 51 seconds West 57.92 feet to a 1/2" rebar at the northwest corner of aforementioned terminus, the southwest corner of the Futuro, LLC lands as described in Deed Book 3327 at Page 601; thence, with the east line of Futuro, LLC, North 24 degrees 17 minutes 45 seconds East 93.67 feet to a 1/2" rebar in the south line of the T. Mae Morrison as described in Deed Book 3621 at Page 1393, said rebar located South 69 degrees 35 minutes 42 seconds East 83.10 feet from a 1/2" rebar; thence leaving the existing city limits as new City of Hickory city limits and with the south line of Morrison the following calls: South 69 degrees 35 minutes 42 seconds East 82.25 feet to a 1" pipe; thence South 65 degrees 36 minutes 35 seconds East 515.22 feet to a 3/4" pipe; thence South 73 degrees 39 minutes 54 seconds East 94.82 feet to a 3/4" pipe; thence North 85 degrees 23 minutes 36 seconds East 99.78 feet to

a ½” rod; thence North 51 degrees 20 minutes 58 seconds East 58.79 feet to a ¾” pipe; thence North 27 degrees 10 minutes 23 seconds East 100.13 feet to the point of beginning. Containing 17.57 acres, more or less.

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

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

Section 3. The newly-annexed territory described herein shall become part of Ward No. 4 of the City of Hickory.

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

B. Departmental Reports:

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

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

At-Large (Council Appoints) VACANT  
 At-Large (Council Appoints) VACANT

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

COMMUNITY APPEARANCE COMMISSION

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

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

Alderman Wood nominated Lynn Sampson for Reappointment as Ward 1 Representative on the Community Appearance Commission.

COMMUNITY RELATIONS COUNCIL

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

African American (Council Appoints) VACANT  
 Caucasian (Council Appoints) VACANT  
 Caucasian (Council Appoints) VACANT  
 Caucasian (Council Appoints) VACANT  
 Other Minority (Council Appoints) VACANT  
 Other Minority (Council Appoints) VACANT

Alderwoman Williams nominated Charles Anthony Moretz Jr. as a Caucasian Representative on the Community Relations Council.

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms with Unlimited Appointments) (Appointed by City Council)

Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

HISTORIC PRESERVATION COMMISSION

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

Historic Properties Owner (Council Appoints) VACANT

PUBLIC ART COMMISSION

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

Ward 1 (Wood Appoints) VACANT  
 At-Large (Mayor Appoints) VACANT

RECYCLING ADVISORY BOARD

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

Ward 4 (Freeman Appoints) VACANT

|                             |        |
|-----------------------------|--------|
| Ward 5 (Zagaroli Appoints)  | VACANT |
| Ward 6 (Patton Appoints)    | VACANT |
| At-Large (Council Appoints) | VACANT |
| At-Large (Council Appoints) | VACANT |

YOUTH COUNCIL

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

Youth Council Applicant Review Committee Recommends the Following Appointments:

|                     |        |
|---------------------|--------|
| Hickory High School | VACANT |
| Homeschool          | VACANT |

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

Mayor Guess nominated Za’Kira Hewitt as a Hickory High School Representative on the Youth Council.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the above nominations. The motion carried unanimously.

C. Presentation of Petitions and Requests

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

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

Alderman Seaver commented that school started on Monday.

XIV. There being no further business, the meeting adjourned at 6:18 p.m.

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Mayor

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City Clerk