

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, December 19, 2023 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, Assistant City Manager Rick Beasley, Assistant City Manager Yaidee Fox, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Amy Spivey, Senior Pastor St. Luke's United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Recognition of Hickory High School Football Team's 3A State Championship and Recognition of Hickory High School Football Day

Mayor Guess commented if anyone in this room had not heard, they have the State Champions in the room. He thought they could recognize all of them. They all were wearing the correct colors this evening, some of their coaches and staff, and he was sure there were other people present from the families and, just members of the public. He wanted to take this time, at the beginning of their meeting, to formally recognize this group of outstanding students, coaches, staff, and parents. Parents were certainly included in that because without the parents, none of this would happen, obviously. They wanted to formally congratulate and recognize this team. But before they did that, they had a short video that he thought set the stage pretty well for why they were here tonight. They would play the video and then have some formal presentations after that. The video was played.

Mayor Guess commented several of the players had told him that one of the coach's sayings had been all year long "see it through". Coach, he thought they saw it through. It looked good. He asked the coaches and the players to the podium. Mayor Guess knew that they went to Chapel Hill, that was a heck of a game coach. The one before that week though was probably about as intense as it could be. He wanted to take this opportunity to formally present this proclamation to this team. He thought there were some that could not be present this evening, but this was for the entire team, the coaches, the staff, everybody that had a part in this State Championship. He read and presented the proclamation. City Manager Warren Wood presented them with a sign honoring their championship. Photos were taken. Mayor Guess could not tell them how proud they were of this team. He knew that everyone here and others that could not be here had put a huge effort into this and it certainly had not gone unnoticed. There would be a public celebration Friday night on the square. Everybody was invited to be there that could be there for that and they would see a lot more people than what was present in Council Chambers. He commented on behalf of the Council, and the entire community, how proud they were of each and every one of them for the accomplishments that they had made, not only on the field, but off the field as well. He asked that they remember all that they had been taught and that they carry that with them throughout the rest of their adult life. He thanked them and congratulated them. City of Hickory hats were distributed to the coaches and team.

Councilmembers congratulated the coaches and the players.

- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of December 5, 2023.

Alderman Seaver moved, seconded by Alderwoman Patton that the Minutes of December 5, 2023 be approved. The motion carried unanimously.
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

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

 - A. Budget Revision Number 10. (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.

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

- A. Approved an Agreement for Professional Services with Gannett Fleming Consulting Engineers for Preliminary Engineering and Design Services related to the Sandy Ridge Road Roundabout in the Amount of \$684,043.28.

Staff requests Council’s approval of an Agreement for Professional Services with Gannett Fleming, Consulting Engineers for preliminary engineering and design services related to the Sandy Ridge Road roundabout – C-5196 in the amount of \$684,043.28. The City applied for and received Congestion Management and Air Quality (CMAQ) funding approval from the Greater Hickory MPO and North Carolina Department of Transportation (NCDOT) for intersection improvements on 16th Street NE (Sandy Ridge Road) at 21st Avenue NE and at 29th Avenue Drive NE. The City requested and received supplemental agreements from the Greater Hickory MPO for additional funding. The City is in position to begin the preliminary engineering and design of the proposed roundabout at the intersection of 21st Avenue NE and Sandy Ridge Road. The two-lane road from 21st Avenue NE toward 29th Avenue Drive NE will remain, but there will be approximately 2,500 feet of roadway construction on Sandy Ridge Road and 750 linear feet of roadway construction on 21st Avenue NE. Improvements to Sandy Ridge Road will include a bike lane and a sidewalk on each side. Staff requests Council’s approval of an Agreement for Professional Services with Gannett Fleming Consulting Engineers for preliminary engineering and design services related to the Sandy Ridge Road roundabout – C-5196 in the amount of \$684,043.28, contingent upon NCDOT concurrence.

- B. Accepted and Entered Into the Minutes Certification of Votes from November 7, 2023, Election from the Catawba County Board of Elections.

Ward 1	Tony Wood	959
	Write-In	30
 Ward 2	 Charlotte Williams	 1,007
	Write-In	29
 Ward 3	 Daria Jackson	 422
	Danny Seaver	679
	Write-In	9
 Ward 4	 Anthony J. Freeman	 981
	Write-In	21

- C. Approved a Cemetery Deed Transfer from Caryl Ann Canella, Trustee of the Joan Theresa Barnhill Revocable Trust dated May 10, 2021, to Caryl Ann Canella, married, located in Oakwood Cemetery Plot M, Lot No. 8, Section 56. (Prepared by Casey W. Pope, Esq., Patrick, Harper & Dixon L.L.P.)

- D. Approved on First Reading Budget Revision Number 11.

ORDINANCE NO. 23-36
BUDGET REVISION NUMBER 11

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

SECTION 1. To amend the General Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture & Recreation	14,670	-
Public Safety	53,582	-
TOTAL	68,252	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	59,657	-
Sales and Services	8,595	-
TOTAL	68,252	-

SECTION 2. To amend the Water/Sewer Fund within the FY 2023-24 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	8,273	-
TOTAL	8,273	-

To provide funding for the above, the Water/Sewer Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	8,273	-
TOTAL	8,273	-

SECTION 3. To amend the Sandy Ridge Intersection (#546015) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	684,044	684,044
TOTAL	684,044	684,044

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 the Voluntary Contiguous Annexation of .553 Acres Located at 920 30th Avenue Drive NW, PIN 3704-11-55-0162, Owned by Pride Design Construction, Inc. - Presentation by Planning Manager Cal Overby.

Consideration of the voluntary contiguous annexation of 0.553 acres property located at 920 30th Avenue Drive NW. This property is identified as PIN 3704-11-55-0162. The property is currently vacant and located within the City's Extra Territorial Jurisdiction (ETJ). The property is zoned R-2, which permits residential development at 4 dwelling units per acre. Given its size, a property division could create two building lots; however, the owner intends to build a single home on the property. The property owner desires to connect the new home to city sewer service, which requires annexation. Surrounding properties are zoned R-2 Residential and occupied by single family homes or are vacant. The current tax value of the property is \$16,100. If annexed, the vacant property would generate \$73 in additional tax revenues. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff 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 December 9, 2023.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with the voluntary contiguous annexation of .553-acres of property, located at 920 30th Avenue Drive NW, owned by Pride Design Construction Inc.

Planning Manager Cal Overby gave a PowerPoint presentation. He discussed the voluntary annexation by Pride Design Construction Inc. for property at 920 30th Avenue Drive Northwest. It was about a half an acre in size. If it were annexed, it would be in Alderwoman Patton's ward. Currently it was vacant. Future development was for a single-family residence to be constructed on the property and the annexation was being requested for public utilities mainly. He referred to the PowerPoint and displayed a map. He pointed out the subject property. He mentioned that Council did an annexation of the property just beside it on December 5th. There was a bit of miscommunication between himself and the builder regarding the annexation. The paperwork they gave him on the 5th was for only one lot when it was supposed to have been for two. They split them up. They were in no dire rush to get 920 done because they were going to start construction on the one beside it prior to that. He displayed a map which showed the existing zoning in the area. It was zoned R-2 residential, which was basically a single-family residential zoning. The entire area was like that. It was continuation of the existing development pattern in the area. He displayed an aerial photograph of the area and pointed out the lot in question as well as the lot beside of it which was

currently vacant. There would be two single family homes constructed on these lots. That was the future development for the property. As with any annexation, staff conducted an evaluation to see if all public services were available to serve the properties as they needed to be served in order to be inside the City. Upon conducting the annexation staff determined that all the services were in place. Staff recommended annexation of the property. He asked for questions.

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

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the voluntary contiguous annexation of 920 30th Avenue Drive NW. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 497

VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)

Pride Design Construction, Inc.

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 19th day of December, 2023; and

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

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

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

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

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

Contiguous Annexation
by the
City of Hickory

known as the
Pride Design Construction Inc. Property

That certain parcel or tract of land lying and being about 2.94 miles north northwest of the center of the City of Hickory. Bounded on the south by the right-of-way of 30th Avenue Drive NW; on the west by the lands of Hugh D. Bogue and wife Betty Z. Bogue as described in Deed Book 172 at Page 1730; on the north by the lands of Pride Design Construction, Inc. as described in Deed Book 3811 at Page 1388, Tracy G. Pope as described in Deed Book 3420 at Page 1654, Laura V. Austin-Lockhart; on the east by the lands of Pride Design Construction, Inc. as described in Deed Book 3746 at Page 1045 and more particularly described as follows, to wit.

Beginning at a ¾" pipe, the northwest corner of the lands of Pride Design Construction, Inc. as described in Deed Book 3746 at Page 1045, located South 23 degrees 44 minutes 13 seconds East 946.94 feet from NCGS Monument "Myrtle", said monument having N.C. grid coordinates (NAD 83/2011) of N 746,072.24, E 1,304,751.09 and running thence, as new City of Hickory city limits and with the west line of Pride Design Construction, Inc. as described in Deed Book 3746 at Page 1045, South 00 degrees 22 minutes 35 seconds West 153.21 feet to a ½" pipe on the north right-of-way of 30th Avenue Drive NW; thence, as existing City of Hickory city limits and a concave curve to the left, said curve having radius of 1847.50 feet, an arc length of 124.71 feet and a chord bearing and distance of South 85 degrees 58 minutes 21 seconds West 124.89 feet to a ½" pipe, the southeast corner of the lands of Hugh D. Bogue and wife Betty Z. Bogue as described in Deed Book 172 at Page 1730; thence, as new City of Hickory city limits and the east line of Bogue North 09 degrees 18 minutes 15 seconds West 195.45 feet to a #4 rebar, in the south line of the lands of Pride Design Construction, Inc. as described in Deed Book 3811 at Page 1388; thence, with the south line of Pride Design Construction, Inc. and Tracy G. Pope as described in Deed Book 3420 at Page 1654, South 78 degrees 51 minutes 40 seconds East 160.00 feet to the point of beginning. Containing 0.553 acres more or less.

This description was drawn from a plat by Marcus H. Miller, PLS L-3481 entitled "Contiguous Annexation by the City of Hickory known as the Pride Design Construction, Inc." dated November 1, 2023.

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of December, 2023:

Section 2. Upon and after the 31st day of December 2023, 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 on First Reading Rezoning Petition 23-07 for Property Owned by Michael and Kem Pollard Located at 2239 Robinson Road and Three Additional Parcels – Presentation by Planning Manager Cal Overby.

Michael and Kem Edward Pollard, requests consideration of the rezoning of their property located at 2239 Robinson Road (including three additional parcels) from R-1 Residential to R-2 Residential. The property has been annexed, and during the process the owners requested the property be rezoned to R-2 Residential. The subject property is currently zoned R-1 Residential, and totals 62.873 acres in total size. The current R-1 district provides areas for the development of low-density residential development, which includes single-family and two-family development at a rate of 2 dwelling units per acre. The requested R-2 Residential provides areas for the development of low to medium density residential development, which includes primarily single-family development at a rate of 4 dwelling units per acre. The Hickory Regional Planning Commission conducted a public hearing on December 6, 2023 to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings,

the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on December 9, and December 16, 2023.

City Manager Warren Wood asked Planning Manager Cal Overby to the podium to present Council with rezoning petition 23-07 for property owned by Michael and Kem Pollard, located at 2239 Robinson Road and three additional parcels.

Planning Manager Cal Overby gave a PowerPoint presentation. He discussed the rezoning request by Michael and Kem Pollard. The applicant was Prestige Acquisitions acting on their behalf as their agent. They were looking at approximately 63-acres of property which currently was zoned R-1 residential. This property was annexed by the City of Hickory on December 5th. The property was currently within Hickory and zoned R-1. Prior to being annexed, the property was in Hickory's extra territorial area, so it was already under Hickory's zoning authority at that point in time. The request was zone it from R-1 residential to R-2 residential. He explained some of the differences between the two districts. R-1 residential was a residential district, the density was two dwellings per acre. The predominant uses within R-1 residential were single-family houses, duplexes, and manufactured homes, along with agricultural, churches, schools, and things of that like. R-2 residential was a residential district, it was almost purely single-family residential. It permitted residential development at a density of four units an acre. The predominant uses were single-family residential, which would be detached houses and owner-occupied townhomes. Those were two building types for residential that were permitted there, along with schools, churches, and likewise, things that you would typically see in that type of setting. He referred to the PowerPoint and displayed the Hickory by Choice future land use map. The future land use map for Hickory by Choice was the vision the City had for the area. This was a policy document, not an ordinance or law. He pointed out the property in question. It was classified as low-density residential. The property across Robinson Road to the east was high-density residential with some medium-residential to the north and to the southeast, as well as regional commercial to the northeast. He discussed the current zoning of the properties. This property was actually annexed into Hickory. He pointed out the surrounding property which was Hickory's ETJ (extra-territorial jurisdiction), and Hickory City limits. He noted the area which was actually accessed from Eller Drive and Short Road/Startown Road further to the east. He displayed an ortho photograph of the property. The property was largely vacant. There was one residence on the property and part of the property appeared to be in an agricultural district because the property tax values by the County showed it as being reduced. He pointed out the uses in the area noting the areas which was mainly single family, vacant, farmland, or lower density housing. He pointed out the higher density residential area, a development which was currently under construction, the Target Shopping Center, and a development in Hickory along Timberland Drive. The consistency with the Hickory by Choice 2030 plan, which he mentioned earlier, the plan called for low-density residential, which was the classification of the properties to be between two and four units per acre development type for residential. The current R-1 zoning was two dwelling units per acre, while the proposed R-2 zoning was 4 dwelling units per acre, those parameters fall within what was predicted and called for by the Hickory by Choice plan. As far as plan consistency, yes, the rezoning was consistent with the plan in this particular instance. Some of the other criteria they typically look at was natural resources and property values. Any development that may occur on the property in the future would be required to adhere to any development standards that exist at the local State, or Federal levels. In terms of promotion of wise public resources, infrastructure was in place in the area. There was State roadways, the City had infrastructure in terms of water and sewer in the area. It would be the responsibility of the property owner, or subsequent property owners from that point to get to those utilities, that would be their responsibility. They would just provide the utilities that were there. In terms of regulation and development, it was largely residential in the area, this residential district just being requested was pretty much the same in a lot of instances. It perhaps would be denser than some of the existing areas through there. Most of Catawba County zoning was around half an acre. You see very little density greater than that in the County, mainly because of the lack of public utilities. In terms of protection from hazardous events, being it was annexed in Hickory, Hickory handles police, fire, and things of that nature and also anything that happens Catawba County would not leave them high and dry; they would help out too if that was needed there. He discussed the suitability of the permissible uses. It was predominantly residential now. The requested district was residential and would continue that development pattern in the area. Detrimental impacts on the property. None were anticipated. If any traffic improvements have to occur, if any development ever occurred on this property,

that should be addressed at that point in time, as well as anything else on the property that may be discovered. Effects on public services were in place. They may be required by anyone that tries to develop the property in the future to get to those utilities. Hickory would provide the utilities, but it would be their responsibility to get to them. As far as protection of public health, safety and welfare, any applicable regulations, whether it be development, health, or whatnot, they would be held to, and required to follow those standards there. The Planning Commission considered the item on December 6th and heard from a number of citizens, as well as the representatives of the property owners. Upon their considerations, the Planning Commission found the request of rezoning to be reasonable and consistent with the Hickory by Choice 2030 Comprehensive Plan and recommended Council approve the request. He asked for questions.

Mayor Guess asked for any questions for Mr. Overby.

Alderman Freeman commented at the Planning Commission meeting, Mr. Overby heard some of the concerns of the citizens in that area. He asked him if he could tell Council what some of them were.

Planning Manager Cal Overby commented that some of the concerns were loss of the rural character in the area, the availability of infrastructure, traffic concerns. Those were the main issues he would say that came up at that point in time. There may have been some others, but those were the overarching issues that were discussed and considered by the Planning Commission.

Alderman Freeman asked him did he feel, not saying that he could answer for the whole board, but did he feel that their questions and concerns that many of them may have left feeling better about the project or still have questions and concern.

Planning Manager Cal Overby believed there were still some questions that were out there.

Mayor Guess asked for any other questions. He thanked Mr. Overby. Mayor Guess 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.

OPPONENT

Mr. Ross Penland, 3649 Fisher Street, Newton NC lived on a piece of property that abuts a large portion of this track. He was present on behalf of his family to oppose the rezoning of this property. First and foremost, he thanked Council for hearing him out. He had learned how his local small government works and it had been a really unique process, and he just appreciated the time each and every person gave him, but he stood in opposition to this because by Hickory's own consulting agency or whatever, the Hickory by Choice 2030 plan zones this area as R-1. So, when the City gets up and says that it was consistent to ask it to be rezoned R-2, he would argue that consistency was keeping something the same. Being surrounding landowners their big concern was just the density of houses that they were going to be putting out there. From their standpoint, if it moved to R-2 they would be able to put twice as many dwellings as they were if it was to remain R-1. He had not spoken to the surrounding landowners and his family would like to see it remain R-1, and if it was going to be developed, it would be developed as such. He thanked Council.

Mr. David Penland, 3645 Fisher Street, he lived just up from Ross. He was present to oppose the rezoning pretty much for the same reasons that he stated. He did not see why there was a need to build four units per acre as opposed to two. He was sure if they were sitting in the same situation they were and they wanted to look across, they would much rather see a smaller number of homes that were probably better built, and it would be better for their families and all the landowners around them. He advised he opposed the rezoning. He thought it should stay at R-1, that should be adequate to meet the 2030 recommendations for the City as the man stated. He thanked Council for their time.

Ms. Lucinda Miller Fulbright, resided at 738 Advent Church Road, Taylorsville. She and her family own property that abuts on the side of this property. This was her great aunt and her grandmother and her great grandmother and grandfather's property. They were opposed to the zoning from R-1 to R-2. She knew they had worked diligently to try to continue to sustain growth in the Hickory area. A big part of their concern was the changing from two houses per acre to four homes per acre and how much that could put into one area. Of course, she was concerned about the traffic on Robinson Road. That was a direct pipeline for the GDS and the City of Hickory trucks that go to the landfill many, many times. Those trucks

were up and down that road. There was a lot of traffic on that street. She was asking also that if they do decide to change the zoning to R-2, that they know from the developer that there would be buffers for them that were landowners, homeowners there, so that there was something that keeps them out of their business and them out of their business, so to speak, so that they have some sort of a buffer that looks very nice and amicable to what they were doing. She was not in the City of Hickory, but she felt like she was. What she does here in the City of Hickory because she does everything over here. She worked over here; she shopped over here. She did not go to Taylorsville for anything. This was her home. She thanked Council for their time and all they did.

Mr. Glenn Miller advised his grandfather owned this property, great grandfather. He had taken care of it. For 15 years he took care of his great aunt and took care of him when he was only 10 years old. He was led to believe by the developer that he wanted to be a good neighbor. R-1 was a good neighbor, R-2 was not. This land has a lot of historical value. The land down the road, Robinson Road, has a lot of historical value in this County. The first home, the land was given by the King of England to the Robinsons on a land grant. Their first home was a log cabin that was burnt down. He had hunted arrowheads on that land and hunted deer on that land. He did not like being misled by the owner. He took care of this property for him for 15 years. He appreciated Council's time. He was against R-2, R-1 was acceptable to him, but the R-2 was not. He appreciated their time.

Mr. Gene Cline, 2156 Robinson Road, Newton, was co-owner of over a 200-acre farm directly across from this property. This farm had been in his family for over 150 years. They have over 100 head of cattle and they operate farm equipment up to 15 feet wide on Robinson Road. That takes up both lanes. He operates tractors almost daily on Robinson Road. He wanted everybody present, including the developer, to be told right now they were going to smell cow manure. If they do not want to smell it, go home, because he was not going anywhere. He was opposed to it. He thanked Council.

Mr. Matthew Leach, 621 Club Circle NE, Valdese, North Carolina was a previous Hickory citizen and moved about two years ago up to Valdese. As an avid outdoorsman and enjoyer of the Conservancy property that Hickory had purchased on the opposite side of the power line, there was about 550 total acres that the Hickory Conservancy combined owns there, with the intention, his understanding as to not do anything at all to that property. He believed it a mistake to increase from R-1 to R-2 because it was allowing a much denser population that would require a lot more need on the utility services that it seems like the opposite idea of what they were trying to do just directly across the property at their Conservancy land. If the idea was to have nature and peace and not develop that property too, immediately adjacent to it, double the number of houses, it just seems counterintuitive, and he would stand in opposition. He appreciated Council's time.

Mayor Guess asked if anyone else wished to speak in opposition. No one else appeared. He advised two people signed up to speak in favor of the proposal.

PROPONENT

Mr. Miles Wright advised he worked with Wright Associates Engineering surveying company out of Conover, North Carolina, their address was 209 1st Avenue South, Conover, North Carolina. He was present with Prestige Acquisitions in favor of this rezoning. He basically was present to answer any kind of technical questions they may have. Mr. Bonda will be speaking next, and he could answer anything about the development of the property. He was just present basically for any kind of technical questions Council may have.

Mayor Guess advised this was not the time for questions, but he certainly was welcome to say anything that he would like to say.

Mr. Wright thanked Mayor Guess.

Mr. Alex Bonda, Prestige Acquisitions, the applicant, 7224 Jameson Way, Stanley NC advised they were a local developer in the Charlotte region. They were a turnkey developer, and they take properties from land acquisition all the way through entitlements and permitting. They have a site works division that actually will do the land clearing, erosion control measures, putting in the utilities, the roads, padding out the lots, and then they sell those finished lots to homebuilders. Most of their clients were national homebuilders, the Baltes, the DR Hortons, the Lennar's of the world. They currently have 8,000 lots in their pipeline and were very dedicated to the Charlotte region. They know it well. Hickory is a great city and he thought with the growth that had come to the Charlotte region and the need for housing that this was a great location for folks to live in a beautiful community.

He did not really have a rebuttal to some of the comments that were made. Buffers were mentioned, he knew this was not a conditional rezoning, but they were more than happy to talk with the adjacent landowners about the buffers as far as widths and landscaping, they were not opposed to that at all. They typically do that on most of their projects. As far as Mr. Miller's family and the history on that property, he knew they were developers, but they do like to be sensitive to the history of the properties that they do develop. They were more than happy to talk to Mr. Miller about his family, as far as names that might be used in the development if he was open to that or naming the development after a past family member. More than open to talking more on that. Otherwise, he knew it was not this point in time for questions, but he was available for any additional questions. He thanked Council.

Mayor Guess asked if anyone else wished to speak in favor. No one else appeared. He asked if anyone in opposition wished to speak in rebuttal. No one appeared. He closed the public hearing and asked for a motion or discussion.

Alderman Freeman commented first of all being the new kid on the block, part of the City Council, he would never come to a meeting already having the vote in mind. Anytime there is a time of public hearing, he wants to be able to hear both sides. He thanked those who came out as concerned citizens and voiced their convictions, their concerns, and also hearing one who certainly was very emotional about where they live. Tonight was certainly putting him in a tough spot because, it was Christmas time and so on one end, he might be Santa Claus on the other end he might be the Grinch. But the truth of the reality was that Hickory was certainly experiencing exponential growth. And that on one hand was a wonderful thing, but on the other hand, he knew that it would always present challenges, because he knew there was more property that would be annexed and rezoned, and they would have more citizens, not the same citizens, but there would be more citizens with the same type of concerns and convictions. He wanted them to know however he voted tonight it was simply just letting them know that he appreciated them coming and sharing and he just believed one of the greatest gift that they could have on earth was just to be heard.

Alderman Wood followed up on Alderman Freeman's comments. He sat and listened, and people were passionate about their property and that was fundamental. That was fundamental, not just in Hickory, that was fundamental in our country. When he looks at these situations, he looks through it through the lens of private property ownership and the right and the ability to do what they want with their property as long as it is within the law and the ordinances of our State, municipality, those types of things. So, that makes it tough. Like Alderman Freeman said, it makes it difficult because property ownership was fundamental and unless it was outside the bounds of the law or the ordinances or just a totally improper use of it, it tends to side that way. He tends to go that direction with the rights of the property owner. He appreciated everybody coming out and sharing their perspectives. He rode out to the property and looked around it and like the gentleman said, the Conservancy land as a buffer that was going to remain in perpetuity, he believed. He did not know all the laws about Conservancy, but that was a buffer that was going to last to a lot of people. He meant they do not have many of those to enjoy. Buffers like that, 550 acres he thought he said. It was a very tough decision and he respected everybody coming out and sharing their views.

Alderman Patton thanked the citizens for their calls, she appreciated that they engaged City Council. She agreed with Alderman Wood, they were growing and as a community, she liked to hear the developer would work with the property owners and have some buffer there to protect them. And as he said, the Conservancy obviously has buffer and it was up to the developer to get water and sewer and if they could not, that was on them.

Alderman Williams followed up. They had heard a number of these types of issues right outside of her own neighborhood. She guessed they filled up the auditorium even fuller. She was hoping and what they had seen in the past was that there had been a lot of good discussion and compromise. So even when a development looks a certain way, but they were hearing there was openness to discuss with property owners, they had seen how even the developers had compromised and hopefully in working together, they could come up with something that would be more amenable to just thinking this development was going to happen with no input. She knew in some of their areas they start with a certain number of units and talking to the neighbors and just looking at the landscape. They have reduced and they have seen that on numerous occasions. She was hoping that would happen in this case as well.

Mayor Guess asked for any other comments. He appreciated those who spoke and those who called Council. He thought everybody on the Council had probably

talked to individuals that were in favor and that were opposed, and he appreciated the respect that everyone had given them this evening. He thanked them for letting Council know how they felt about this situation.

Alderman Wood had a question of the developer. He asked the developer, Alex Bonda to the podium. He asked Mr. Bonda if he anticipated any problems connecting to public utilities with this property.

Mr. Alex Bonda commented there was always the potential for some conflicts either with adjacent neighbors or routing, sewer for example. There was multiple ways to get to the sewer line. They would address exactly which would be the best route. They would certainly be reaching out to adjacent neighbors about the sewer line connection and also working through alternate designs as well if they could not work through that.

Alderman Wood commented like you said, this was not a contingent rezoning, so they could not hold him to this. He respectfully asked that Mr. Bonda stick to his word, and he had no reason to believe that he would not stick to his word if this does pass that he would work with these people on this buffer issue and make sure that to the extent possible everybody was satisfied with this project if it does pass.

Mr. Alex Bonda replied yes, sir. They were a local company and were not a national conglomerate. They have a reputation in the Charlotte area, and they intend to stand by their word.

Alderman Wood thanked Mr. Bonda.

Mayor Guess asked for any further discussion.

Alderman Wood moved, seconded by Alderwoman Patton approval of rezoning petition number 23-07. The motion carried unanimously.

ORDINANCE 23-37

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 62.873 ACRES OF PROPERTY LOCATED AT 2239 ROBINSON ROAD, FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL.

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

WHEREAS, the property owner has been petitioned to rezone +/- 62.873 acres of property located at 2239 Robinson Road, more particularly described on Exhibit A attached hereto, to allow a R-2 Residential; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on December 6, 2023, and forwarded a recommendation of approval to the City Council; and

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

WHEREAS, the City Council has found Petition 23-07 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

- The subject properties are located 2239 Robinson Road, and identified as PINs 371110452075, 371114344769, 371114442597, 371114348055.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

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

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The general area is classified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "This land use category is intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre." The comprehensive plan also indicates a density of 2 to 4 dwelling units per acre is appropriate for the Low-Density Residential classification.

Given these factors, the rezoning of the properties to R-2 Residential are consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future low density residential development, which is what the R-2 Residential district provides.

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

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

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

The subject property has access to a state-maintained roadway Robinson Road and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area consists largely of residential uses. The future use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service the development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood, and other dangers.

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

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

The current land use pattern of the larger area consists of single-family residences. The rezoning of the property to R-2 Residential would continue this development pattern.

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

Given the similarity of the current and requested districts, conflicts in use types would not be anticipated, nor expected to cause detrimental impacts on the surrounding area.

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

Public resources to provide critical public services are in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated residential development.

Based upon these findings, the Hickory City Council has found Rezoning Petition 23-05 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. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

Ward 1 (Wood Appoints)

VACANT

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

VACANT

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

COMMUNITY RELATIONS COUNCIL

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

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

HICKORY REGIONAL PLANNING COMMISSION

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

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

VACANT

Ward 5 (Zagaroli Appoints) (Wallace Johnson Resigned 12-7-2023)

VACANT

Alderman Zagaroli nominated Robert Lelewski as Ward 5 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)

VACANT

PUBLIC ART COMMISSION

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

Ward 3 (Seaver Appoints)

VACANT

Alderman Seaver nominated Michael McLamb as Ward 3 Representative on the Public Art Commission.

RECYCLING ADVISORY BOARD

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

Ward 6 (Patton Appoints)

VACANT

Mayor Guess moved seconded by Alderman Seaver 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 Wood commented Merry Christmas, it was at the doorstep. Right?

Mayor Guess commented this year is gone.

Alderman Wood commented Merry Christmas to Council and everybody present. He hoped everybody had a safe holiday.

Alderman Seaver commented maybe they would see some snow. He heard there was a few flakes up around Lenoir last night.

Alderman Wood advised they could see it on the mountains from his office. He was in the People's Bank and if you looked you could see the snow on the mountains. So that was nice. He thought the big travel day started tomorrow. The bulk of the travel starts happening tomorrow. So be careful when they are out there.

Alderman Freeman said Merry Christmas to everyone. He really wanted the Hickory High School football team to really know that they as City leaders were extremely proud of them and certainly, he knew one of the greatest joys of any coach was watching the process of maturation of the boys turn into men. He wanted to go on record and let the football team know they were extremely proud of them.

Mayor Guess reminded everyone once again that Friday night, the public celebration at six o'clock downtown on Union Square. Just put that on your calendar and plan on being there.

Alderman Wood commented this was changing lives too. Having a State title was huge. He asked if they had been reading about the scholarship offers that have been coming to these young men. This was life changing for some of these young men. It was tremendous.

Alderman Williams commented Merry Christmas and Happy New Year, they would not be meeting until 2024.

Alderman Wood commented shortly thereafter, January 2nd.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess moved that Council go into closed session to consult with the attorneys to discuss the items below, seconded by Alderman Williams. The motion carried unanimously.

1. Approval of Closed Session Minutes of October 17, 2023 - NCGS §143-318.11(a)(1)
2. Discussion of Potential Litigation - NCGS §143-318.11(a)(3)

Council convened to closed session at approximately 6:57 p.m.

Council reconvened to open session at approximately 7:12 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 7:12 p.m.

Mayor

City Clerk