

A G E N D A

HICKORY CITY COUNCIL

February 6, 2024



6:00 p.m.



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

Hickory City Council
76 North Center Street

February 6, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Bill Garrard, Retired Clergy
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Proclamation Recognizing Lenoir-Rhyne Women's National Champion Triathlon Team. **(Exhibit IV.A.)**
 - B. Proclamation for SkillsUSA Week February 5-9, 2024 – Presented to Tammy Muller Executive Director, Strategic Business Partnerships and SkillsUSA, and Gary Muller, Executive Dean, Economic Development and Corporate Education, Catawba Valley Community College. **(Exhibit IV.B.)**
- V. Persons Requesting to Be Heard
 - A. Mr. Jamie Larmore, 3216 Old Shelby Road, Hickory to Discuss Water Disconnection Fees
- VI. Approval of Minutes
 - A. Regular Meeting of January 16, 2024. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A. Budget Revision Number 13. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
 - A. Approval of the Purchase and Up-Fit of 8 Specialized Police Package Emergency Vehicles. **(Exhibit VIII.A.)**

Hickory Police Department requests approval to purchase and up-fit 8 specialized police package emergency vehicles. Hickory Police Department staff and the City of Hickory Fleet Manager researched and reviewed independent comparison studies comparing available police package vehicles. The Ford Police Interceptor Utility all-wheel drive best fits the needs of the department based on a number of considerations. Parks Ford in Hendersonville, NC currently has the NC Sheriff's Association Contract for the Ford Police Interceptor Utility all-wheel drive with a base price of \$41,004.63. Parks Ford has partnered

with Global Public Safety, LLC in Statesville, NC to provide the total “turnkey” up-fitting of these 8 specialized police package emergency vehicles. Global Public Safety, LLC would install all of the specialized and emergency equipment. Added up-fitting options provided by Global Public Safety, LLC - \$20,788.58. Total purchase and up-fitting price - \$61,793.21. Hickory Police Department recommends the purchase and up-fitting of 8 all-wheel drive Ford Police Interceptor Utility vehicles from Parks Ford on the NC Sheriff's Association Contract at a cost of \$61,793.21 per vehicle and a total cost of \$494,345.68. Hickory Police Department has funds budgeted in the 2023-2024 CIP for replacement and up-fitting of police vehicles.

- B. Approval of the Resolution Authorizing Staff to Apply for a Building Reuse Grant for Project Plat. **(Exhibit VIII.B.)**

Staff requests approval to submit a Building Reuse Grant for Project Plat. The Building Reuse Grant is offered by the North Carolina Department of Commerce to provide funding to businesses looking to occupy existing buildings. The total funding amount is based on a formula involving the number of types of jobs created. The program pays 50% of eligible rehabilitation costs up to a maximum of \$500,000. Project Plat proposes to create 80 new jobs in a manufacturing enterprise over a four-year period, paying an overall average wage at or above \$59,566, which is above the Catawba County average wage. Project Plat is requested a \$240,000 grant from the North Carolina Department of Commerce. If the grant is approved, a 5% match from the City of Hickory and Catawba County (up to \$6,000 each) would be required. Staff recommends that City Council approve the Resolution authorizing staff to apply for a Building Reuse Grant for Project Plat.

- C. Approval to Implement an All-Way Stop at the Intersection of 3rd Avenue SE and 1st Street SE. **(Exhibit VIII.C.)**

Staff request Council's approval to implement an all-way stop at the intersection of 3rd Avenue SE and 1st Street SE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward. The Traffic Division staff received the completed petition from property owners along 3rd Avenue SE, 1st Street SE, and 2nd Street SE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition qualifies for an all-way stop at the intersection listed. Twenty-three properties were included in the petition and seventeen properties signed in favor of implementation. This represents at least 75% approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement an all-way stop at the intersection of 3rd Avenue SE and 1st Street SE.

- D. Acceptance of the Bid and Award the Contract to Neill Grading and Construction Company, Inc. in the Amount of \$22,714,090.80 for OLLE Art Walk, Contingent upon NCDOT Concurrence. **(Exhibit VIII.D.)**

Staff requests Council acceptance of the bid and award of the contract for construction of the Projects TIP # EB-5911/EB-5977 – OLLE Art Walk to Neill Grading and Construction Company, Inc. in the amount of \$22,714,090.80 contingent upon North Carolina Department of Transportation (NCDOT) concurrence. The OLLE Art Walk (formerly referred to as Old Lenoir Road and 9th Street NW Connector Multi-Use Trail) will be part of the larger Hickory Trail multi-use system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. OLLE Art Walk will specifically provide this connectivity linking City Walk with Aviation Walk and Riverwalk along 9th Street NW and Old Lenoir

Road. Bids were advertised for the project and received on January 18, 2024. Two bids were received and opened but the bid from James Vannoy & Sons Construction Company Inc., in the amount of \$24,822,317.58 was deemed non-responsive, Neill Grading and Construction Company, Inc. bid \$22,714,090.80. Staff recommends Council's acceptance of the bid and award of the contract for construction of Project TIP # EB-5911/EB-5977 – OLLE Art Walk to Neill Grading and Construction Company, Inc. in the amount of \$22,714,090.80, contingent upon NCDOT concurrence.

- E. Approval of an Agreement with Catawba Valley Engineering and Testing in the Amount of \$20,000 for Trivium East Road Widening and Traffic Signal Design Project. **(Exhibit VIII.E.)**

Staff requests Council's approval for construction materials testing and special inspection observations with Catawba Valley Engineering and Testing in the amount of \$20,000, for Trivium East Road Widening and Traffic Signal Design Project. This phase of the project will consist of the main entrance and access for the east business park. This will include road widening on Startown Road and traffic signal along with all associated work. North Carolina Department of Transportation (NCDOT) standards will be followed for the widening of Startown Road. Included in this project is the relocation of a 12" water main and additional line into the park to serve the future business. Neill Grading and Construction was awarded the project in November 2023 and scheduled to start construction early 2024. This agreement will ensure that installations of the infrastructure meet the design requirements of the contract. Soil testing, concrete testing and road surface testing are all part of this proposal. Staff recommends Council's approval for construction materials testing and special inspection observations with Catawba Valley Engineering and Testing in the amount of \$20,000, for Trivium East Road Widening and Traffic Signal Design Project. The costs will be split 50/50 between the City of Hickory and Catawba County.

- F. Budget Revision Number 14. **(Exhibit VIII.F.)**

1. To transfer \$385,000 from the General Fund to the Solid Waste Fund to cover the cost of a damaged commercial recycling truck.
2. To appropriate a \$300 payment received by the Fire Department from Catawba County for HazMat services.
3. To appropriate a \$30 contribution received from the Hickory Youth Council to assist with programming costs.
4. To appropriate \$2,340 in NCDOT reimbursement funds for material costs within the Traffic Division.
5. To appropriate a payment of \$6,750 from CVCC for field maintenance for material costs within the Landscaping Division.
6. To appropriate \$500 in sponsorship funds from Catawba County Council on Aging for Senior Games materials costs.
7. To appropriate \$5,500 in recreation revenues to go towards youth sports programming and material costs within the Parks, Recreation, & Sports Tourism Department.
8. To appropriate \$6,000 in recreation revenues to cover programming costs within the Parks, Recreation, & Sports Tourism Department.
9. To appropriate a total of \$20,000 towards the Trivium Center East Road Widening project for materials testing and special inspection observations in a professional services agreement with Catawba Valley Engineering and Testing. \$10,000 will come from General Fund Balance. The other \$10,000 will come from Catawba County.
10. To appropriate \$11,817,116 towards the OLLE Art Walk Project to award a construction bid to Neill Grading & Construction in the amount of \$22,714,091. \$7,000,000 will come in the form of a grant from NCDOT with a City match of \$1,750,000. The remaining funds will come from the sale of land and unspent Hickory Trail project funds.

11. To appropriate \$1,339,148 in additional funds to award the construction bid for the 9th Ave Dr NW Road Project.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

1. Consideration of Closing a Portion of 1st Avenue SE, a Portion of 8th Street Court SE, a Portion of 2nd Avenue Drive SE, and an Unnamed Alley Located Off of 2nd Avenue Drive SE, as Petitioned by Jojida, LLC and Linda H. Huffman – Presented by Public Works Director Steve Miller. **(Exhibit XI.A.1.)**

The City Clerk received a petition from Jojida, LLC and Linda H. Huffman, owners of the properties abutting a portion of 1st Avenue SE, portion of 8th Street Court SE, portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE. The petition requests the City to close the aforementioned areas per NCGS § 160A-299. The aforementioned areas are bound by the properties owned by the Petitioners Jojida, LLC and Linda H. Huffman. The signatures on the petition represent all the owner(s) of the property abutting these portions of the right-of-way. The petition fee of \$830 has been paid. A memo was sent to various departments for their input on the street closing. Public Utilities advised 1st Avenue SE and 8th Street Court SE both have public water and sewer infrastructure that is in service. These utilities serve properties that are not part of this closing. A 25-foot utility easement needs to be recorded for this infrastructure or appropriate relocation and easements need to take place at the requestor's cost. Staff recommends Council conduct the public hearing to consider closing a portion of 1st Avenue SE, portion of 8th Street Court SE, portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE as petitioned by Jojida, LLC and Linda H. Huffman.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on January 6, 13, 20, and 27, 2024.

2. Consideration of Rezoning Petition 24-02 requested by Gregory Williams for 29.59 acres owned by GTC Investment Properties, LLC, Located on Highway 127 South between Moss Farm Road, and Nello Drive – Presented by Planning Director Brian Frazier **(Exhibit XI.A.2.)**

Staff requests Council's consideration of Rezoning Petition 24-02 to rezone approximately 29.59 acres, located on Highway 127 South, between Moss Farm Road and Nello Drive, from low density residential (R-1) and commercial corridor (CC-2) to planned development (PD). The current R-1 zoning district is primarily residential and permits one and two-family residential uses at a density of two dwelling units per acre. Commercial corridor (CC-2) is primarily residential in nature but does allow for up to thirty units per acre for residential development. The requested planned development is proposed to be residential in nature. The development on the newly acquired parcels would consist of 198 single-family residential units, consisting of 118 single-family detached homes and 80 townhomes. The development will include two outparcels along Highway 127 for future non-residential development. The Hickory Regional Planning Commission conducted a public hearing on January 24, 2024 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 (6-1) 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 January 27, and February 3, 2024.

B. Departmental Reports

1. Quarterly Financial Report – Presentation by Deputy City Manager Rodney Miller
2. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

COMMUNITY RELATIONS COUNCIL

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

HISTORIC PRESERVATION COMMISSION

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

LIBRARY ADVISORY BOARD

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

Alderman Seaver to Nominate Pamela Kiefer as Ward 3 Representative on the Library Advisory Board.

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by Mayor)
Position 5 (Mayor Appoints) Kenneth Geathers Resigned 1-25-2024 VACANT

Mayor Guess to Nominate Sherry Griffin as a Public Housing Authority Representative.

RECYCLING ADVISORY BOARD

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

C. Presentation of Petitions and Requests

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

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

XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**



City of Hickory
PO Box 398
Hickory, NC 28603
Phone: (828) 323-7412
Fax: (828) 323-7550

PROCLAMATION

RECOGNITION OF LENOIR-RHYNE WOMEN'S TRIATHLON

WHEREAS, on November 11, 2023, in Tempe, Arizona, Lenoir-Rhyne Women's Triathlon captured the second straight women's National Championship in University history at the USAT Nationals; and

WHEREAS, Lenoir-Rhyne's team score of 847 captured the Division II National Title ahead of Wingate and Colorado Mesa; and

WHEREAS, with the victory, Head Coach Harley Mason was named the National Coach of the Year for the second straight season; and

WHEREAS, Sabrina Fleig crossed the line as the top finisher among all NCAA Division II athletes; and

WHEREAS, Zoila Sicilia was named the National Freshman of the Year; and

WHEREAS, Lenoir-Rhyne had seven players earn All-America honors; and

WHEREAS, Zoila Sicilia was second for Lenoir-Rhyne and fourth overall. Eliska Rihova was sixth overall and Claudia Teran was eighth overall and fourth on Lenoir-Rhyne. Teresa Vesely and Sayti Plank rounded out the top finishers for Lenoir-Rhyne along with Nanette Nikolajsen.

NOW, THEREFORE, I HANK GUESS, MAYOR OF THE CITY OF HICKORY, on behalf of Hickory City Council, do hereby recognize the

LENOIR-RHYNE WOMEN'S TRIATHLON

and congratulate them on their prestigious championship and commend them for their hard work and dedication to the team.

This the 6th day of February, 2024.

Hank Guess, Mayor



Life. Well Crafted.

Office of the Mayor

Exhibit IV.B.

City of Hickory

PO Box 398

Hickory, NC 28603

Phone: (828)323-7412

Fax: (828)323-7550

Email: hguess@hickorync.gov

PROCLAMATION

WHEREAS, February 5-9, 2024, has been designated by the SkillsUSA national association as SkillsUSA Week; and

WHEREAS, career and technical education provides students with a school-to-careers connection and is the backbone of a strong and educated workforce that fosters productivity in business and industry and contributes to leadership in the national and global economies; and

WHEREAS, career and technical education and SkillsUSA give high school students empowering experiences in the meaningful application of skills such as reading, writing and mathematics, as well as the development of SkillsUSA framework skills including personal skills, workplace skills, and technical skills grounded in academics, thus improving the quality of their education, providing increased motivation to learn and giving all students leadership opportunities in their career fields, schools and communities; and

WHEREAS, career and technical education offers students opportunities to learn skills and have career experiences that may lead to further education or meaningful employment; and

WHEREAS, the cooperative efforts of career and technical educators working with business and industry stimulate the vitality of our nation's economy by preparing graduates for careers forecast to experience the largest growth within the next decade; and

WHEREAS, SkillsUSA is a national organization for students preparing more than 380,000 members annually enrolled in technical, skilled, and service occupations in middle schools, high schools, and colleges/postsecondary programs to be high-performance workers.

THEREFORE, BE IT RESOLVED that I, Hank Guess, Mayor of the City of Hickory, on behalf of Hickory City Council do hereby proclaim the week of February 5 - 9, 2024 as

SkillsUSA Week

in the City of Hickory and urge all its citizens to acquaint themselves with the mission of SkillsUSA and to give support to the members who are working hard to achieve the goals that will make them outstanding skilled workers in our communities.

Hank Guess, Mayor

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, January 16, 2024 at 6:00 p.m., with the following members present:

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

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

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Christy Lohr-Sapp, St. Andrew's Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Annual Audit - Presentation by Kari Dunlap, Martin Starnes & Associates.

Mayor Guess asked Kari Dunlap, Martin Starnes & Associates to the podium to present the annual audit.

Kari Dunlap, Martin Starnes & Associates gave a PowerPoint presentation. She thanked Council for allowing her to share the results. They very much appreciated the ability to continue as their auditors. They liked having clients that were close by them. They really appreciated the relationship. She explained the audit process. The audit began with planning and risk assessment. That was when they sent the inquiries to the Council. If there were any issues, anything they wanted to discuss, anything that would require them to investigate a little further. That kicked everything off and then they also read all of the Council minutes throughout the year, so they were up to date with what all was going on and that evolved throughout the year, and it continued in case any risks need to be updated throughout the audit. Then they have their fieldwork procedures. They typically come on site at least twice a year. In the spring, they do any internal control testing, any compliance testing and then they come back in the fall to complete what was left of that, and they also do their balance sheet analysis at that point. Once all the fieldwork was wrapped up, they have the audit committee meeting which involved Hickory staff as well as Council members. That was where they discussed any issues that were found. It was just an added layer of independence between the City, the staff, and the Council. Once that was complete, they issue the report to the Local Government Commission (LGC) and then present it to City Council.

Ms. Dunlap shared a few audit highlights. There was an unmodified opinion on the financial statements and compliance. That meant there was no reason to think any of the numbers were materially misstated. That was the goal of the audit. It was a clean opinion. Very cooperative staff. They have lots of requests, even when they were not on site, they sent lots of emails, and phone calls and they really appreciated Deputy City Manager Rodney Miller and Finance Officer Melissa Miller, and all of the staff that worked to get all the various requests they have throughout the year. It makes their lives a little bit easier. The unassigned general fund balance increased \$8.9 million and available general fund balance increased \$8.3. Those were some great numbers to share. The City could continue for four months with their current savings account based on these numbers. The available fund balance was the calculation that the LGC used to compare the City to similar municipalities in their population group. She noted the available fund balance percent had total expenditures and transfers out at 39% last year and it went up to almost 50% this year. The LGC minimum was 25% and then an average of similar units was 46%. Hickory was a little above the average there. She referred to the PowerPoint slide and showed the total fund balance over the past three years. Total fund balance also included the capital reserve fund as well as the general fund. That increased \$11.6 million over the prior year. The unassigned fund balance was sitting in the general fund and that increased to a little over \$24 million. That was an \$8.9 million increase this year. The Council goal was more conservative than the LGC's goal and it was a minimum of 25% of the adopted budget and the goal was met and it was over 30% this year.

City Manager Warren Wood advised that \$8 million dollars, a lot of that was one time money. It was the last installment of ARPA funds as well as some MPO money they received for some of the bonds. That would wash itself out during the course of the year for next year. That \$8 million did increase fund balance but that was some of the back story on that.

Ms. Dunlap noted there were some encumbered funds in all those other things that were planned expenditures coming forward. This also showed a general fund summary of their revenues and expenditures compared to the prior year. The revenue increased \$13.9 million, and expenditures increased \$6.3 million. These numbers also included any transfers out and transfers in as well as there was a little over \$3 million, GASB 87 was

leases last year and government accounting standards GASB 96 was for subscriptions. Any of the subscriptions that were recorded this year as part of the implementation was also included in this revenue number.

Ms. Dunlap referred to the PowerPoint and advised the next three slides showed the top three revenues over how they compared to last year. The top revenue source was ad valorem taxes and it increased \$1.8 million or about 5% over the prior year. There was tax-based growth as well as property tax. This also included penalties and delinquent tax payments. The past two years have been record years of permitting. Those were included in this number. The other taxes included local option sales tax, franchise tax, and occupancy tax. That increased \$1.8 million or 8% over last year as well. Restricted Intergovernmental, where those grant dollars come into play, she noted this had the largest increase of \$2.4 million over the prior year and it was almost \$5 million this year.

Ms. Dunlap referred to the PowerPoint and advised the next three slides showed the top expenditures for the City. Public safety was the top expenditure, and it had a very small decrease over the prior year, about \$338,000 or 1%, that was largely due to in the prior year, there was a fire truck that was purchased, but there had also been some fire vacancies. That was the reason for that decrease. The general government expenditure of the prior year had an increase of \$7.7 million, about 64%. Landscape services had been housed in general government now, it used to be in the Cultural and Rec so that was part of this increase. There were lots of park maintenance projects, property purchase, APO projects, Dominion building, sidewalk, and there was also an PO rollover in this number.

Ms. Dunlap advised transportation had another small decrease over last year, about \$285,000 or 4%. This was also due to some prior year capital outlay purchases such as the dump truck, crew cab, that were not needed necessary this year. That was why that one decreased as well.

Ms. Dunlap referred to the PowerPoint and displayed a slide which showed the water and sewer current assets, liabilities, and quick ratio. This was another measure that the LGC looked at to make sure that the City was operating in a healthy way. The quick ratio, if that was less than one, there would be a concern there. She pointed out it went down slightly due to new debt this year, but it was still over four. There were no issues with that.

Alderman Seaver asked if that would be due to depreciation.

Ms. Dunlap commented yes, depreciation was part of the operating income for water and sewer fund. The specific factor for that one, an LGC indicator was if the operating net income was greater than zero and their total cash was greater than 16% and the City was above those as well.

Ms. Dunlap discussed the other two enterprise funds, airport, and solid waste. She referred to the PowerPoint and displayed a snapshot of how those looked this year. The airport, the unrestricted net position, increased \$1.5 million over the prior year. Solid waste was also self-sufficient this year and it increased \$673,000 in the unrestricted net position over prior year. Those were healthy numbers there.

Ms. Dunlap advised the LGC also wants them to instill certain performance indicators. There was stable property tax valuation and collection percentage. No issues with that. There was a slight delay in the audit submission. It needs to be submitted by November 30th, but there were lots of things going on with the new software that they were all well aware of. There were three audit findings this year; material weakness for significant audit adjustments made after fieldwork, account reconciliations, and then a material non-compliance with one of the grants that was tested as a major program. They were working closely with finance. There was a corrective action plan that they were working on, and each member of Council would have to submit their response to the LGC and what they were doing to work towards that. They felt confident in the plan moving forward. She asked for questions.

Alderman Wood commented the three findings that they found, from a professional perspective, in her opinion, given the complexity and all the projects that they have going on, was that at all a surprise. Especially the software conversion that they were doing. The bond projects and everything else, what was her opinion on that.

Ms. Dunlap responded it was not a surprise. They have worked through these things. She thought she had been auditing the City for at least the past five years or so. The software was absolutely the biggest hurdle, and they were working through that. They were working on implementing the new Tyler software. There was a lot of training involved in that. There was a lot of time that was going into that versus the normal day to day. It was absolutely understandable that those things would happen.

Mayor Guess asked for any further questions. He complimented Ms. Dunlap and Martin Starnes. The City was very fortunate to have them doing their work and doing the

accounting and all of this and the audit process. If he was not mistaken, they were the 2023 number one Best Firm to Work for by Accounting Today, and also the 2023 Best Business Well-Crafted award for the City of Hickory. They got a lot of accolades and they appreciated everything that they do and the reputation that they have at Martin Starnes and all the people that work there. They were very thankful for that. Not only that, but for the work that Deputy City Manager Rodney Miller and his crew do here. He understood that they have a really good working relationship and that was always a plus as well. He wanted to thank all of them that were involved in that process. He knew a lot of times the finance people, and the people that worked behind the scenes, did not get a lot of compliments and stuff like that, because the work they do was not seen every day, but it was extremely important obviously, as all of their departments were, but he wanted to take the opportunity on behalf of the Council to recognize the two of them and thank them for the work that they do and how well they worked together.

Ms. Dunlap thanked Mayor Guess.

City Manager Warren Wood advised they would have one more year of the current software that keeps getting referenced. The new software would go live July 1st. The numbers were coming out of the current year system for next year, for the audit for this year. He echoed what Mayor Guess said, he appreciated Finance Officer Melissa Miller and her staff. There had been a lot of work. It was like having two full-time jobs working to implement this new software and doing the audit. He appreciated the work that they had done. He advised they would need a motion to accept the annual audit and a vote for the LGC.

Mayor Guess moved, seconded by Alderwoman Patton, to accept the audit as it had been presented.

Mayor Guess commented it was probably available to the public as well. He asked if it was on the website.

City Manager Warren Wood advised it would be on the website.

Mayor Guess it would be on the website momentarily.

Ms. Dunlap advised the audit had to be submitted to the Local Government Commission (LGC) and once it was approved, it took them a while to approve that, but as soon as it was approved, then yes, it would be fully. They have a draft that they were welcome to look at right now. They wait for that official approval before anything gets posted.

Mayor Guess wanted to make sure that members of the public knew that they had all seen it and had all been involved in it and everything. He wanted to make sure that any members of the public, or the media realized that it was available for review, and it would be up soon.

City Attorney Timothy Swanson advised Mayor Guess they still had a motion.

Mayor Guess advised there was a motion and a second. He asked for any further discussion. The motion carried unanimously.

Council members thanked Ms. Dunlap.

- B. Ingrid Keller, Executive Director of the United Arts Council of Catawba County Introduction of the Presentation of an Economic Impact Study to be Presented by Board Immediate Past President Alan Jackson.

Mayor Guess asked Ingrid Keller, Executive Director of the United Arts Council of Catawba County and also the immediate Past President of the Rotary Club for which he was very thankful because he was the current President and she helped him tremendously or he could say he bugged her tremendously. He did not know which, but he thanked her for being present.

Ms. Ingrid Keller thanked Mayor Guess/President Guess. They appreciated the opportunity to share with them the incredibly exciting story of how arts and cultural organizations were serving them and the citizens of the City of Hickory. She advised with her was current Board President, Alex Frick, and then to present the information to them was Alan Jackson, of the Jackson Group, and also their immediate past Board President.

Mr. Alan Jackson thanked Council for letting them have a few minutes to talk to them about this important study that they just took part in. This was a study that they took part in during the year 2022. It was actually something they did back in 2016 as well. He thought he even came and presented the results back then a few years ago as well. What was great about this study that they took part in, was in this arts and economic prosperity study, that took a look at communities across the Nation to try to help understand the impact on the economy that arts and cultural organizations have across the Nation. It not only gave them

their results to see how they did as a community, how their arts and cultural organizations were fueling their economy here, but also let them compare themselves to other communities of similar size to see what their impact was and how different it may be than other places across the country. He wanted to hit some of the highlights for them on the study. He noted Council had the full, a lot more detailed copy, in front of them. He advised the would hit the highlights for them on the PowerPoint.

Mr. Jackson advised there were 373 different study regions of this study conducted across the Nation. Out of those there were about 63 of them that were in the same population range that Catawba County was in, that 100,000 of 250,000 range. When he gave them some comparisons, he would be comparing against that group of 63 comparable population communities. There were 373 total across the United States that conducted the survey. Within Catawba County they had 31 different arts and cultural organizations that participated in this study, that provided data, provided input and reports to the study. And then of the events that they had going on and chances for audience participation throughout the year, they had 794 different event attendees complete a survey questionnaire that was then sent to this organization for them to tabulate and give them back the information they were looking for. He mentioned there were 63 comparable study regions in that 100,000 to 250,000 range population that they really wanted to compare against as well. The big number for them, what they wanted to understand was what the economic impact of these arts and cultural organizations were that they have within Catawba County. For the year 2022 the economic impact was \$53,590,000. That was 80% higher than what they found in similar study regions across the nation. Those 63 regions were compared against their average was 80% higher of what they saw on that economic impact, and it was 9% higher than what they even showed back in 2016. Not only was it an improvement for them within the community themselves, but compared to other populations across the United States that were comparable size, they were very, very high numbers in the economic impact. What does the economic impact really mean? It was a combination of three things that they calculate. It was the money that the arts and culture organizations were spending and were bringing into this community. How many jobs does it support? What was the resident household income that was being generated from those arts and cultural organizations? And then what kind of revenue goes back to local, State and Federal governments from all that activity, both spending by the organizations themselves and spending by the audiences and attendees coming to those organizations for events throughout the year. It was a combination of those three that created that \$53 million. Within that \$53.5 million of spending, it was coming from two buckets, one was from the organizations itself, like arts and culture organizations, what they were spending, which meant it was also going back into their economy through salaries, through contract work, through paying for artists, paying for vendors, whatever it may be, that was \$12 million of that \$53 million spent by the organization to sell. That was actually a little bit lower than the average of what other communities their size were spending. In other words, for other communities their size, the organizations within their community were spending a little bit less. However, the audiences that were coming to their events and spending money in their community, that was where they were 247% higher than other similar study regions, \$41.5 million of that \$53 million in spending was being generated by audiences coming to these events and activities throughout the year, whether they were local or coming in from out of the area, \$41 million was what the generated income was and the impact on their economy from the audiences themselves. That was where their big impact was compared to other communities. They could almost argue that their arts and culture organizations were generating a lot more outcome while spending less money themselves as an organization themselves. He noted the jobs that were supported by the arts and culture organizations, that \$53 million, supported 1,000 jobs, which was 74% higher than similar study regions. The personal income to residence was almost \$23 million. That was also about 25% higher than other similar study regions. The government revenue that was generated was \$6.1 million, which was 20% higher than those other similar regions. Overall, this was a statement from the actual arts and economic impact study that was conducted. Their report said that survey demonstrates that when we support the arts, we were investing in Catawba County's economic and community well-being. The numbers really, really bore that out.

Mr. Jackson advised they also gave them a couple of calculators, which showed that for every \$100,000 that was spent in direct spending by a nonprofit arts and culture organization, (he referred to the PowerPoint) they see the impact it has within the economy, 3.59 jobs, \$72,000 in resident income. Then about \$15,000 in revenue for the government. All told that \$100,000 immediately was funneling back into these different economic factors that help drive their economy so strong. They did the same thing with \$100,000 from audiences. This was people just coming in spending money to come to events in their area, whether it was lodging if they were coming in from out of town, restaurants for food while they were in town, it was shopping that they may do when they were here. These numbers did not actually include the actual ticket price of whatever event they were attending that goes to the organization. This was what they were generating into the economy outside of that ticket price. For every \$100,000 that they get from audiences spending in Catawba County, it also had a ripple effect out to income and local, State, and Federal government revenue as well. Overall, their attendees that came into an event in

January 16, 2024

2022 on average spent \$56.20 per person per event. That was higher, the National average was \$36 he believed, per person per event. They have people who like to spend a lot more money when they come to events in Catawba County, even if they were already local and they were already here, they were still spending a higher average. When they looked at their audiences, it was about 60/40, 60% were considered local audiences, 40% non-local. For any event they went to, that they did the study at throughout the year, they felt like was a pretty good representative sample of all the cultural organizations and the activities going on, about 40% of that population that they saw at those events were from outside of what was considered the local area traveling in. Then when they looked at the spending between those groups, local spending was about \$50 per person, non-local was about \$65 which made sense, they have gas, they have lodging sometimes to contend with, but overall, that was what creates that \$56 per person per event average.

Mr. Jackson advised the study also gave them some great insight into just what people see as the importance of the arts and culture organizations and facilities that they have in the area. All the people that were asked these survey questions were asked about, do they feel the venue or facility that they visited for this event was an important pillar within their community? Do they feel like there would be a great sense of loss of that activity or venue were no longer available? He noted they could see, the percentages were very high. They were at the National average on that, about 85% on these kind of questions was what the National average was. Their audiences had pretty strong opinions about the arts and culture organizations and facilities that were located in Catawba County as well. The same questions were asked of the actual organizations or leaders of those organizations, as they could imagine, those percentage would be high, but they were also on the National average as well. They had that same sense of pride and importance in the arts and cultural community from the actual organizations themselves that were running those groups. Overall, this was Nationwide, not just Catawba County. The study told them that 86% of people across the Nation felt like the arts and culture was important to their community's quality of life and livability. They were happy to say that in Catawba County those percentages were the same. People have the same importance they put on those factors there as well.

Mr. Jackson discussed demographics from the people that took part in the study that represented the audiences they had in 2022. The nice thing was that they did have some good representation from all different age groups in the study. The largest age group of attending arts and culture organization events was still the 58 to 76 years of age, but they did have some great representation from other age groups as well. They also had some great cross section information from educational attainment. Household income was a nice spread of seeing those numbers as well. Then race and ethnicity, they had breakouts of what made up their audiences in 2022 there as well. With that in general, the biggest thing summarized for them was that they saw from the study, the same thing they saw in 2016, but actually to a greater extent. Their arts and cultural organizations were spending a little bit less on average on themselves as an organization than what they saw across the Nation with comparable communities. However, the ripple effect of what that then translates to for audience spending for all the events and activities they were putting on was actually significantly higher than they were seeing in other communities across the Nation. They really could show the economic impact of the arts and culture organizations and audiences here in this County to a really, really dramatic effect and also much higher than what they saw in 2016 as well, which was important to see. That was all they wanted to share with them today, to help understand, put some numbers to what they already knew was a great arts and cultural community they have here, but to understand the economic impact that it actually had on them as well was what the study was about. They were very happy to take part in it a second time and see some very positive results. He asked for any questions about the study and the report.

Alderwoman Williams commented in 2016, she was on the board and participated and they did not know what to expect. They were just really pleased with what they got, and it was great to see that things had continued to just blossom. They knew all the new venues and one of the things she thought their arts community did well was to be responsive to really look at what was out there. What do their audiences want? That was how they got people from even outside their areas. It was impressive. She thanked Mr. Jackson.

Alderman Wood asked if he got any indication that these numbers reflected a full recovery from the effects of the pandemic or if he felt like they were still muted a bit because of that.

Mr. Jackson responded that was a good point. Actually, the organization that put together this study actually in their report said that there were going to be some numbers that they still felt like were a little muted from the after effect of the COVID pandemic. Again, 2022 was the full year 2022, early 2022, they were still seeing some residual effects when it came to audiences and attendance. That was a big footnote in the report. They had actually trimmed down some of the comparisons back to 2016 and did not offer quite as many comparisons because they did not feel like it was a very apt comparison. But that economic impact number was where they were the most surprised to see that it still went up 6% even despite the fact that they knew they had gone through a couple of years of

attrition when it came to audiences and events and activities. Yes, there were some considerations for that. They honestly expected the economic impact to be lower than it was in 2016. The fact that it was a little bit higher was a real surprise for them. Yes, there was definitely some impact floating in there still from that.

Alderwoman Patton knew that back when he presented in 2016, it was a nice figure to see of what their impact was in the community. She thanked them for all that they did to improve the community. It makes it very special.

Mr. Jackson commented they enjoyed it, and it was nice to sometimes have some numbers to kind of put to it, to see that there really was some impact on what the work that these organizations was doing. The impact it has on all of them here. He thanked Council.

Mayor Guess commented that this was just tremendous. He thanked Mr. Jackson and Ingrid Keller, and he knew there were a lot of people, it was not just him and Ingrid. He knew that, but they were present representing today and practically every day they hear from folks that talk about, wow, we did not realize that this was available, we did not realize this happened. We moved here because of this. What a great City, what a great asset this is to the community. Obviously, economic development was something that they all were going to see grow. The partnership, and the relationships that they had with the arts commission and different folks, folks such as Mr. Jackson and Ingrid, and everybody that served was tremendous. It really did make a huge impact and they saw the numbers here today. He hoped they could certainly share those with the rest of the community and continue with the progress that they had already seen. He wanted to take this opportunity to say thanks and they appreciated everything that they were doing now.

Mr. Jackson thanked Council for the support the City of Hickory had over all the years too. It had really been a great partnership and they appreciated all the support and continuing everything they were all doing.

Alderman Seaver commented they need something for everyone to enjoy.

Mr. Jackson commented absolutely, he thought that makes a big difference. He really thought that was why the numbers were so strong was the diversity of activities and audiences that they brought here was just great.

Mayor Guess commented that the one that really stood out was the 93% of people that said they had a sense of pride in the arts and cultural community. That was tremendously high.

Alderman Seaver asked what the sample size was they used.

Mr. Jackson advised for the audiences it was right at 800 responses, about 793. That was random responses gathered throughout the year, different activities, different events that they had volunteers go out and solicit those surveys. They needed those numbers, at least those numbers, they exceeded the number of what they requested for the sample of survey numbers to use. Right under 800 people gathered created that audience survey data they saw.

Mayor Guess asked if the bids were back on the OLLE Artwalk.

City Manager Warren Wood responded no, not yet.

Mayor Guess commented that was something that would certainly contribute to those numbers he was hoping for in the future as well.

Mr. Jackson expected that as well.

Mayor Guess thanked Mr. Jackson.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of January 2, 2024.

Alderwoman Patton moved, seconded by Alderwoman Williams that the Minutes of January 2, 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.

January 16, 2024

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

- A. Approval to Implement a Speed Limit Reduction to 25mph along 9th Avenue NE between 16th Street NE and 20th Street NE. (First Reading Vote: Unanimous)
- B. Approval to Implement a Speed Limit Reduction to 25mph along 7th Avenue NW between 4th Street Drive NW and 6th Street NW. (First Reading Vote: Unanimous)
- C. Budget Revision Number 12. (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 Alderwoman Williams approval of the Consent Agenda. The motion carried unanimously.

- A. Approved Applying for a Governor’s Highway Safety Program Grant in the Amount of \$25,000.

Hickory Police Department requests approval to apply for a Governor’s Highway Safety Program Grant for officer overtime traffic enforcement. Hickory Police is requesting \$25,000. The Hickory Police Department is committed to reducing motor vehicle crashes, especially those involving injury and death. If awarded, the overtime grant will fund extra duty efforts by the Hickory Police Department to conduct operations that will involve highly visible traffic enforcement for speeding, occupant protection devices, and other traffic violations. Conducting these traffic enforcement operations will allow Hickory Police Department to address the rising trend in motor vehicle crashes involving injury or death. The Hickory Police Department will use these funds to pay officers to work on these highly visible traffic enforcement operations. Increasing traffic enforcement efforts will allow Hickory Police to address the rising trend in motor vehicle crash fatalities, serious injuries, crashes caused by speeding and intersection traffic violations. Hickory Police Department recommends approval to apply for a Governor’s Highway Safety Program Grant for officer overtime traffic enforcement in the amount of \$25,000. There are no matching funds required for this grant if awarded.

- B. Approved on First Reading Budget Revision Number 13.

**ORDINANCE NO. 24-04
BUDGET REVISION NUMBER 13**

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 Airport Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Transportation	5,000,000	-
TOTAL	5,000,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	5,000,000	-
TOTAL	5,000,000	-

SECTION 2. To establish the TRF Runway Extension (#650034) Capital Project, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	15,000,000	-
TOTAL	15,000,000	-

To provide funding for the above, the TRF Runway Extension (#650034) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	15,000,000	-
TOTAL	15,000,000	-

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

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

B. Departmental Reports:

1. Appointments to Boards and Commissions

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

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

HISTORIC PRESERVATION COMMISSION
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Historic Properties Owner (Council Appoints) VACANT
 Building Trade Profession (Council Appoints) VACANT

LIBRARY ADVISORY BOARD
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 3 (Seaver Appoints) VACANT

RECYCLING ADVISORY BOARD
 (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
 Ward 6 (Patton Appoints) VACANT
 At-Large (Council Appoints) VACANT

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

Alderwoman Patton mentioned the City lost a member of the community, and a fixture here. David Crosby passed away, and he was on several commissions here. He was a founder of the Farmer's Market and was present at Council meetings. They would all miss David.

Mayor Guess commented very much, very much.

Alderman Wood commented on the audit presentation. Looking at the numbers, they were impressive. One group that he wanted to thank, he did not want to call out anybody individually, but the people that do the work on the grants that they get for a lot of the projects that they do, he thought the results of that were seen in these numbers, the increases in fund balance that they were not having to draw down to do some of the things that they were doing. He thought they had some tremendously bright and insightful people working on these grants and getting this money for them. Thank you to everybody that was involved in that because he thought that work was reflected in these numbers that were seeing here. He thanked everyone.

City Manager Warren Wood commented that getting the grants and administering those grants was a bear, bureaucracy that goes along with it. It was great to get that money. He appreciated that.

Mayor Guess commented right before this meeting, they had a celebration with the 2023 Community Appearance Commission Beautification Awards. They had seven award recipients for that. He wanted to mention that. They appreciated not only those folks that got awards but all of

January 16, 2024

them that contributed towards making the City a more beautiful place. He mentioned litter, of course, was one of the priorities and they were always looking for folks that would help to make their City look better and they appreciated all that everybody did in correlation with that. He mentioned that yesterday was the Martin Luther King celebration and march. The winning State Champion Hickory High School football team as well as the band was there to lead that group and they were there with their coach, Coach Joe Glass, and some of the other coaches and, they appreciated them and wanted to recognize them for participating in that yesterday. That was a good turnout.

XIV. There being no further business, the meeting adjourned at 6:37 p.m.

Mayor

City Clerk

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COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Police Department/Captain J.W. Gardin

Contact: Captain J.W. Gardin

Date: January 11th, 2024

Re: Request Approval to Purchase Police Vehicles

REQUEST

Hickory Police Department requests approval to purchase and up-fit eight (08) specialized police package emergency vehicles.

BACKGROUND

Hickory Police Department has funds budgeted in the 2023-2024 CIP for replacement and up-fitting of police vehicles.

ANALYSIS

HPD staff and the City of Hickory Fleet Manager have researched and reviewed independent comparison studies comparing available police package vehicles. The Ford Police Interceptor Utility all-wheel drive best fits the needs of the department based on a number of considerations. The Police Interceptor Utility has been the top choice of the Police Department for the past seven budget years. This vehicle comes standard with all-wheel drive designed to deliver low-speed traction and high-speed handling and stability. Other benefits of the Police Interceptor Utility include: availability, ergonomics (visibility and better occupant and cargo space to carry specialized equipment), safety and durability (larger heavy duty frame in the event of a crash) and enhanced braking distance.

The Hickory Police Department has located eight (08) new 2023 Ford Police Interceptor Utility all-wheel drive vehicles that are available for immediate purchase at Parks Ford in Hendersonville, NC.

Parks Ford in Hendersonville, NC currently has the NC Sheriff's Association Contract for the Ford Police Interceptor Utility all-wheel drive with a base price of \$41,004.63. Parks Ford has partnered with Global Public Safety, LLC in Statesville, NC to provide the total "turnkey" up-fitting of these eight (08) specialized police package emergency vehicles. Global Public Safety, LLC would install all of the specialized and emergency equipment to include blue lights, siren, console, radios, computer, printer, radar, prisoner partitions, and gun lock boxes.

Global Public Safety, LLC is a current vendor and has installed equipment into a number of Hickory Police vehicles in the past.

Added up-fitting options provided by Global Public Safety, LLC - \$20,788.58

Total purchase and up-fitting price - **\$61,793.21**



601 Duncan Hill Rd. Hendersonville NC 28792

Tel: 828-693-4281

www.parksfordhendersonville.com

Vehicle Model

of vehicles

2023 Ford Police Interceptor Hybrid

NCSA Contract pricing Contract 22-08-0913R Specification # 135

Deleted options

Subtotal

Added Options

3.0L Ecoboost - 99C	\$3,780.00
Dark Car Feature - 43D	\$25.00
Global Lock/ Unlock feature - 18D	\$-
Red / White Cargo Area Light - 17T	\$50.00
Rear AC - 17A	\$610.00
	\$-
	\$-
	\$-
	\$-
	\$-
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	\$-
	\$-
	\$-
	\$-
	\$-
	\$-
	\$-

Total Contract Price

Non Contract Options

Upfitting per GPS Quote # Q240183

Base Contract Price

\$36,807.53

\$-

\$36,807.53

\$3,553.20

\$23.50

\$-

\$47.00

\$573.40

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\$41,004.63

\$20,788.58

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\$-
\$-

\$61,793.21

\$494,345.68

Prepared for: , City of Hickory

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315



Client Proposal

Prepared by:
Jeff Williams
Office: 828-693-4281
Quote ID: 0110202401
Date: 01/11/2024



Prepared for:

City of Hickory
Prepared by: Jeff Williams
01/11/2024



Parks Ford | 601 DUNCAN HILL RD HENDERSONVILLE NC | 28792

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315 | Quote ID: 0110202401

, **City of Hickory**

Re: Quote ID 0110202401 01/11/2024

To Whom It May Concern,

All pricing provided in this quote is based on, and follows the guidelines of, the North Carolina Sheriffs' Association Vehicle Procurement Program. Contract # 22-08-0913R. Specification # 135

Sincerely,

Jeff Williams

Prepared for:

City of Hickory
Prepared by: Jeff Williams
01/11/2024



Parks Ford | 601 DUNCAN HILL RD HENDERSONVILLE NC | 28792

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315 | Quote ID: 0110202401

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Prepared for:

City of Hickory
 Prepared by: Jeff Williams
 01/11/2024



Parks Ford | 601 DUNCAN HILL RD HENDERSONVILLE NC | 28792

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315 | Quote ID: 0110202401

As Configured Vehicle

Code	Description
Base Vehicle	
K8A	Base Vehicle Price (K8A)
Packages	
500A	<p>Order Code 500A</p> <p><i>Includes:</i></p> <ul style="list-style-type: none"> - GVWR: 6,840 lbs (3,103 kgs) - Tires: 255/60R18 AS BSW - Wheels: 18" x 8" 5-Spoke Painted Black Steel <i>Includes polished stainless steel hub cover and center caps.</i> - Unique HD Cloth Front Bucket Seats w/Vinyl Rear <i>Includes reduced bolsters, driver 6-way power track (fore/aft. up/down, tilt with manual recline, 2-way manual lumbar), passenger 2-way manual track (fore/aft. with manual recline) and built-in steel intrusion plates in both driver/passenger seatbacks.</i> - Radio: AM/FM/MP3 Capable <i>Includes clock, 4-speakers, Bluetooth interface with hands-free voice command support (compatible with most Bluetooth connected mobile devices), 1 USB port and 4.2" color LCD screen center stack smart display.</i>
Powertrain	
99C	<p>Engine: 3.0L V6 EcoBoost</p> <p><i>(148-MPH top speed). Note: Deletes regenerative braking and lithium-ion battery pack; adds 250-Amp alternator, replaces H7 AGM battery (800 CCA/80-amp) with H7 SLI battery (730 CCA/80-amp) and replaces 19-gallon tank with 21.4-gallon.</i></p> <p><i>Includes:</i></p> <ul style="list-style-type: none"> - 3.31 Axle Ratio
44U	Transmission: 10-Speed Automatic (44U)
NONAX	3.31 Axle Ratio
STDGV	GVWR: 6,840 lbs (3,103 kgs)
Wheels & Tires	
STDTR	Tires: 255/60R18 AS BSW
STDWL	<p>Wheels: 18" x 8" 5-Spoke Painted Black Steel</p> <p><i>Includes polished stainless steel hub cover and center caps.</i></p>
Seats & Seat Trim	
9	Unique HD Cloth Front Bucket Seats w/Vinyl Rear

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for:

City of Hickory
 Prepared by: Jeff Williams
 01/11/2024



Parks Ford | 601 DUNCAN HILL RD HENDERSONVILLE NC | 28792

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315 | Quote ID: 0110202401

As Configured Vehicle (cont'd)

Code	Description
	<i>Includes reduced bolsters, driver 6-way power track (fore/aft. up/down, tilt with manual recline, 2-way manual lumbar), passenger 2-way manual track (fore/aft. with manual recline) and built-in steel intrusion plates in both driver/passenger seatbacks.</i>
Other Options	
PAINT	Monotone Paint Application
119WB	119" Wheelbase
STDRD	Radio: AM/FM/MP3 Capable <i>Includes clock, 4-speakers, Bluetooth interface with hands-free voice command support (compatible with most Bluetooth connected mobile devices), 1 USB port and 4.2" color LCD screen center stack smart display.</i>
153	Front License Plate Bracket
43D	Dark Car Feature <i>Courtesy lamps disabled when any door is opened.</i>
17T	Switchable Red/White Lighting in Cargo Area <i>Deletes 3rd row overhead map light.</i>
18D	Global Lock/Unlock Feature <i>Door-panel switches will lock/unlock all doors and rear liftgate. Eliminates overhead console liftgate unlock switch and 45-second timer. Also eliminates the blue liftgate release button if ordered with remote keyless entry.</i>
55F	Remote Keyless Entry Key Fob w/o Key Pad <i>Does not include PATS. Includes 4-key fobs. Key fobs are not fobbed alike when ordered with keyed-alike.</i>
17A	Rear Auxiliary Air Conditioning
Emissions	
425	50 State Emission System Flexible Fuel Vehicle (FFV) system is standard equipment for vehicles equipped with the 3.3L V6 Direct-Injection engine.
Exterior Color	
JS_01	Iconic Silver Metallic
Interior Color	
96_01	Charcoal Black w/Unique HD Cloth Front Bucket Seats w/Vinyl Rear

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for:

City of Hickory
Prepared by: Jeff Williams
01/11/2024



Parks Ford | 601 DUNCAN HILL RD HENDERSONVILLE NC | 28792

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315 | Quote ID: 0110202401

As Configured Vehicle (cont'd)

Code	Description
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Upfit Options

Upfitting per GPS Quote # Q240183

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for:

City of Hickory
 Prepared by: Jeff Williams
 01/11/2024



Parks Ford | 601 DUNCAN HILL RD HENDERSONVILLE NC | 28792

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315 | Quote ID: 0110202401

Pricing Summary - Single Vehicle

		MSRP
<i>Vehicle Pricing</i>		\$71,423.58
Subtotal		\$71,423.58
 <i>Pre-Tax Adjustments</i>		
Code	Description	MSRP
Discount	Dealer Discount	-\$3,645.37
Ford Gvmnt GPC	Government GPC	-\$5,985.00
Total		\$61,793.21

 Customer Signature

 Acceptance Date

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



 City of Hickory
 Finance Officer

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for:

City of Hickory
 Prepared by: Jeff Williams
 01/11/2024



Parks Ford | 601 DUNCAN HILL RD HENDERSONVILLE NC | 28792

2023 Police Interceptor Utility AWD Base (K8A)

Price Level: 315 | Quote ID: 0110202401

Pricing Summary - Multiple Vehicles

Vehicle Quantity: 8

		MSRP
<i>Vehicle Pricing</i>		\$571,388.64
Subtotal		\$571,388.64
 <i>Pre-Tax Adjustments</i>		
Code	Description	MSRP
Discount	Dealer Discount	-\$29,162.96
Ford Gvmnt GPC	Government GPC	-\$47,880.00
Total		\$494,345.68

 Customer Signature

 Acceptance Date

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


 City of Hickory
 Finance Officer

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

5

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Dave Leonetti, Business Services Manager

Contact Person: Dave Leonetti, Business and Community Development Manager

Date: February 6, 2024

**Re: Approve Authorizing Resolution to submit a Building Reuse Grant for Project Plate
REQUEST**

Approve Authorizing Resolution to submit a Building Reuse Grant for Project Plate

BACKGROUND

The Building Reuse Grant is offered by the North Carolina Department of Commerce to provide funding to businesses looking to occupy existing buildings. The total funding amount is based on a formula involving the number and type of jobs created. The program pays 50% of eligible rehabilitation costs up to a maximum of \$500,000.

ANALYSIS

Project Plate proposes to create 80 new jobs in a manufacturing enterprise over a four-year period, paying an overall average wage at or above \$59,566, which is above the Catawba County average wage. Project Plate is requesting a \$240,000 grant from the NC Department of Commerce. If the grant is approved, a 5 percent match from the City of Hickory and Catawba County (up to \$6,000 each) would be required.

RECOMMENDATION

Staff recommends that City Council approve the resolution authorizing staff to apply for a Building Reuse grant for Project Plate.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

N/A

Reviewed by:

<u>Dave Leonetti</u> ^(DLE)	<u>1/19/2024</u>	<u>A. Dula</u>	<u>1-30-24</u>
Initiating Department Head	Date	Deputy City Attorney, A. Dula	Date
<u>Rodney Miller</u>	<u>1/30/24</u>	<u>R. Beasley</u>	<u>1/30/24</u>
Asst. City Manager R. Miller	Date	Asst. City Manager, R. Beasley	Date
<u>M. Miller</u>	<u>1/30/24</u>		
Finance Officer, M. Miller	Date		
<u>Yaidee Fox</u>	<u>1/30/24</u>		
Exe Asst City Manager Yaidee Fox	Date		

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

W. Wood
City Manager, W. Wood
1/31/24
Date

**City of Hickory
Authorizing Resolution
Rural Economic Development Division
North Carolina Department of Commerce
Building Reuse Program
Project Plate
Building Reuse Application**

WHEREAS, the North Carolina General Assembly authorized in 2014 funds to the North Carolina Department of Commerce Rural Economic Development Division to stimulate economic development and job creation. A portion of the funding authorized the making of grants to aid eligible units of government to stimulate the creation of jobs through the expansion and renovation of buildings currently in use that will spur economic activity; and

WHEREAS, Hickory desires to assist through grant funding the renovation of a vacant manufacturing building located in the City of Hickory, NC; and

WHEREAS, Hickory intends to request from NC Department of Commerce Rural Economic Development Division grant assistance for the project from the Building Reuse Program for the renovation of the vacant building that will be occupied and create new full-time employment at the site:

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

That Hickory will provide a minimum 5% cash match for an application up to \$500,000 if approved for a grant.

That Warren Wood, City Manager, and successor city managers, is hereby authorized to execute and file an application on behalf of Hickory with The NC Department of Commerce Rural Economic Development Division for a grant to assist in the development of the project described above.

That Warren Wood, City Manager, and successor city managers, is hereby authorized and directed to furnish such information as The NC Department of Commerce Rural Economic Development Division may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Hickory has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 6th day of February 2024 at Hickory, North Carolina.

Hank Guess, Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified Debbie Miller, City Clerk, does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with The NC Department Rural Economic Development Division, as adopted at a legally convened meeting of the Hickory City Council duly held on the 6th day of February 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of February 2024.

Debbie D. Miller
City Clerk

6

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Steve Miller – Public Works Director

Contact Person: Jarod Marshall – Civil Engineer I

Date: January 22, 2024

Re: Neighborhood Traffic Calming Program; All-way stop; 3rd Ave SE @ 1st St SE

REQUEST

Staff request Council acceptance and approval to implement an all-way stop at the intersection of 3rd Ave SE and 1st St SE.

BACKGROUND

City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens are required to submit an application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75% of properties in favor of implementation for the request to move forward.

ANALYSIS

Traffic Division staff received the completed petition from property owners along 3rd Ave SE, 1st St SE, and 2nd St SE with regards to the Neighborhood Traffic Calming Program and have found the property owners to be in compliance with the guidelines. The petition does qualify for an all way stop at the intersection listed. Twenty-three (23) properties were included in the petition and seventeen (17) properties signed in favor of implementation. This represents at least 75% approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations.

RECOMMENDATION

Staff recommends Council acceptance and approval to implement an all-way stop at the intersection of 3rd Ave SE and 1st St SE.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Steve Miller
Initiating Department Head

1/25/24
Date

Auntie M. Dula
Deputy City Attorney, A. Dula

1-30-24
Date

Rodney Miller
Asst. City Manager Rodney Miller

1/30/24
Date

R. Beasley
Asst. City Manager, R. Beasley

1/30/24
Date

Melissa Miller
Finance Officer, Melissa Miller

1/30/24
Date

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue

Date

Yaidee Fox
Asst. City Manager Yaidee Fox

1/30/24
Date

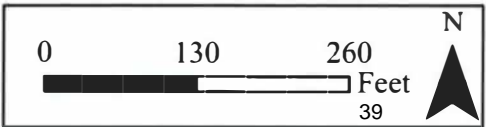
Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

W. Wood
City Manager, W. Wood

1/31/24
Date



Traffic Calming Petition 414
All Way Stop
3rd Ave SE and 1st St SE



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COUNCIL AGENDA MEMOS

To: City Manager's Office

From: John Marshall, Transportation Planning Director

Contact Person: John Marshall, Transportation Planning Director

Date: February 6, 2024

Re: Project TIP # EB-5911 / EB-5977 – OLLE Art Walk Multi-Use Trail

REQUEST

Staff requests Council acceptance and award of the contract for construction of the Projects TIP # EB-5911/EB-5977 – OLLE Art Walk to Neill Grading and Construction Company, Inc. in the amount of \$22,714,090.80 contingent upon NCDOT concurrence.

BACKGROUND

The OLLE Art Walk (formerly referred to as Old Lenoir Road and 9th St NW Connector Multi-Use Trail) will be part of the larger Hickory Trail multi-use system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City.

OLLE Art Walk will specifically provide this connectivity linking City Walk with Aviation Walk and Riverwalk along 9th St NW and Old Lenoir Road.

ANALYSIS

EB-5911/EB-5977 - OLLE Art Walk is multiuse path that will connect multiple sections of the Hickory Trail network that is being developed by the City of Hickory. The project is approximately 2.4-miles of concrete multi-use 10 ft. concrete trail, beginning at the existing City Walk at 9th Street NW and Main Avenue NW. The trail follows 9th Street NW northward then along 3rd Avenue Court NW and 3rd Avenue Drive NW to Old Lenoir Road. The trail follows Old Lenoir Road to Riverwalk just north of 15th Avenue NW and Hickory Water Treatment. OLLE Art Walk will create a connection between City Walk, Aviation Walk, and Riverwalk.

Bids were advertised for the project and received on January 18, 2024. Two bids were received and opened but one bid was deemed non-responsive, and the results are as follows;

- Neill Grading and Construction Company, Inc. – \$22,714,090.80
- James Vannoy & Sons Construction Company Inc. – \$24,822,317.58 (Non-responsive)

RECOMMENDATION

Staff recommends Council acceptance and award of the contract for construction of Project TIP # EB-5911/EB-5977 – OLLE Art Walk to Neill Grading and Construction Company, Inc. in the amount of \$22,714,090.80, contingent upon NCDOT concurrence.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

LIST THE EXPENDITURE CODE:

B10001
061-7510-577.21-02

B10002
061-7510-577.21-02

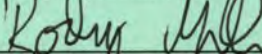
Reviewed by:

John Marshall
Initiating Department Head

01/25/2024
Date

Deputy City Attorney, A. Dula

Date


Asst. City Manager, R. Miller

1/30/24
Date


Asst. City Manager, R. Beasley

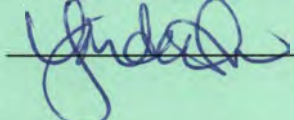
1/30/24
Date


Finance Officer, Melissa Miller

4/30/24
Date

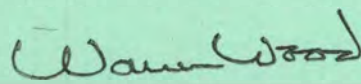
Purchasing Manager,

Date



1/30/24
Date

Recommended for approval and placement on February 6, 2024 Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).


City Manager Warren Wood

1/31/24
Date

RESOLUTION NO. _____

RESOLUTION BY HICKORY CITY COUNCIL ACCEPTING THE LOWEST RESPONSIBLE BID FROM NEILL GRADING AND CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$22,714,090.80 FOR PROJECTS TIP # EB-5911 AND EB-5977 KNOWN AS OLLE ART WALK MULTI-USE TRAIL

WHEREAS, the City of Hickory received two bids and were publicly opened on January 18, 2024 for the construction of EB-5911 and EB-5977.

WHEREAS, in the evaluation of the two bidders, Neill Grading and Construction Company, Inc. was the apparent responsible low bidder for the Grand Total Bid price of \$22,714,090.80.

WHEREAS, the apparent low bid submitted by Neill Grading and Construction Company, Inc. has been reviewed for compliance with bidding requirements included in the Bidding and Contract Documents.

WHEREAS, based upon the review of Neill Grading and Construction Company, Inc. qualifications and other documentation submitted as part of the bid evaluation process, their Bid is considered to be complete and responsive with respect to the bidding requirements for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory, North Carolina, as follows:

- 1) City Council accepts the bid of \$22,714,090.80 for the construction of Project TIP # EB-5911 and EB-5977 – OLLE Art Walk Multi-Use Trail.
- 2) City Council authorizes the City Manager to execute all contract(s) and any necessary documents, between the contractor and the City for the construction of Project TIP # EB-5911 and EB-5977 – OLLE Art Walk Multi-Use Walk.
- 3) The award of the Contract will be contingent upon the review and approval of the bid documents by the North Carolina Department of Transportation.


Adopted this the 6th day of February 2024, at Hickory, North Carolina.

ATTEST:

Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form on 3rd day of January, 2024



Deputy City Attorney for the City of Hickory

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COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Shawn Pennell, Public Utilities Director
Contact Person: Shawn Pennell, Public Utilities Director
Date: February 6, 2024
Re: Trivium Corporate Center East Road Widening and Traffic Signal Design Material Testing

REQUEST

Staff requests Council approval for Construction Materials Testing and Special Inspection Observations with Catawba Valley Engineering and Testing in the amount of \$20,000.00, for Trivium East Road Widening and Traffic Signal Design Project.

BACKGROUND

The City of Hickory identified an area in southeast Hickory that is large enough and conducive to development of a business park, convenient to major roadways and adjacent to significant Utility infrastructure. The City of Hickory, Catawba County and Economic Development Corporation have worked on development of this area as a business park for several years and the City and County have agreed to split the cost of development. Trivium Business Park is the business park identified for Bond proceeds for the Bond Referendum that was passed by the City of Hickory.

ANALYSIS

Trivium Corporate Center is the business park recognized in the Bond projects to receive money from bond proceeds for development. The City, County and EDC have worked on development of the project to a condition that is receptive to marketing. As the original Trivium site has been successful and only 3 lots remain, the partnership has purchased additional properties to expand the success of the business park.

This phase of the project will consist of the main entrance and access for the east business park. This will include road widening on Startown Road and traffic signal along with all associated work. NCDOT standards will be followed for the widening of Startown Road. Included in this project is the relocation of a 12" water main and additional line into the park to serve the future business.

Neill Grading and Construction was awarded the project in November 2023 and scheduled to start construction early 2024. This agreement will ensure that installations of the infrastructure meet the design requirements of the contract. Soil testing, concrete testing and road surface testing are all part of this proposal.

RECOMMENDATION

Staff recommends Council approval for Construction Materials Testing and Special Inspection Observations with Catawba Valley Engineering and Testing in the amount of \$20,000.00, for Trivium East Road Widening and Traffic Signal Design Project.

BUDGET ANALYSIS:

These funds will be split 50/50 with City of Hickory and Catawba County

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Project# B1B004

061-7505-577.24-99

Reviewed by:

<u>Shawn Penneil</u> Initiating Department Head	<u>MSF</u> Date	<u>01/25/2024</u> Date	<u>Deputy City Attorney, A. Dula</u> Date
<u>Roy Miller</u> Asst. City Manager, R. Miller	<u>1/30/24</u> Date	<u>1/30/24</u> Date	<u>Asst. City Manager, R. Beasley</u> Date
<u>Melissa Miller</u> Finance Officer, Melissa Miller	<u>1/30/24</u> Date	<u>1/30/24</u> Date	<u>Deputy Finance Officer, Cameron McHargue</u> Date
<u>Yaidee Fox</u> Exec Asst City Manager, Yaidee Fox	<u>1/30/24</u> Date		

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

Warren Wood
City Manager, Warren Wood
1/31/24
Date



January 24, 2024

Mr. Shawn Pennell
Public Utilities Director
City of Hickory
Hickory, North Carolina
spennell@hickorync.gov

PO Box 747
Hickory, NC 28603

1490 South Center Street
Hickory, NC 28602

Re: Estimated Budget Proposal for Construction Materials Testing and
Special Inspection Observations
Trivium East Roadway Widening
Trivium East Parkway Extension
Hickory, North Carolina
CVET Proposal No.: 24-024P

828 578 9972
www.cvet.net

NC Firm No. C-3833
SC Firm No. 5201
TN Firm No. 10724
VA Firm No. F2134437

Dear Mr. Pennell,

Per your request, we are pleased to provide an estimated budget proposal for the Construction Materials Testing and Special Inspection Observations for the new Trivium East Roadway Widening to be constructed at Trivium East Parkway Extension in Hickory, North Carolina. Included in our proposal is our understanding of the project, anticipated scope of services, estimated budget, unit rate fee schedule, proposal acceptance form, and our terms and conditions.

GENERAL PROJECT INFORMATION

We understand this project consists of the widening of Startown Road and the construction of Trivium East Parkway Extension in Hickory, North Carolina. Based upon review of the Released for Construction project documents dated January 10, 2024, we understand that construction will consist of widening and improvement of Startown Road from stations 13+86 to 28+26 and the construction of Trivium East Parkway Extension from stations 0+00 to 9+52.

Reporting

Field and laboratory reports are generally submitted in electronic format within 48 to 72 hours of the performance date, if desired by the client hard copies of the reports may be distributed. If deficiencies or non-compliances are noted, a running punch list of deficiency items is maintained and can be included with the reports so that problems may be resolved prior to the performance of additional work. Electronic Copies of reports will be forwarded to each party designated by the client, at no extra charge, as part of our service.

CVET will also prepare and distribute all of the required paperwork necessary to satisfy the Statement of Special Inspections provided. A daily field report (in hard copy) and discrepancy field report (if necessary) will be left on site for the general contractor and county inspector's information. Monthly summary reports documenting inspections conducted during the previous month, as well as component letters documenting completion of each required special inspection will



Geotechnical Engineering
Environmental Services
CMT/Special Inspections

also be submitted. Upon completion of special inspection services, a final summary report will be submitted documenting the entire project with respect to special inspections. These reports will be issued to the owner, the design professional of record, structural engineer of record, general contractor, and County Inspections Department.

Unit Rate Schedule

All services provided for this project will be billed in accordance with the unit rate sheet attached to this proposal. We believe that all requested / required services have been included on the unit rate sheet and shall remain the same as listed herein for the duration of the project. If we are requested to perform additional services we will request your approval of the proposed scope, in writing, prior to executing the additional services. We will invoice you for our services once a month in accordance with the attached unit rate sheet. CVET does not charge a minimum site time for our field services.

Estimated Budget

Based upon the information provided and our experience with projects of similar nature, we have developed an estimated budget fee proposal to provide the required construction materials testing and special inspections observations. Our budget is based upon the Released for Construction project documents dated January 10, 2024 and NCDOT Standards and Specifications. As requested, we have itemized our scope of services and prepared an estimated budget allowance for providing the construction materials testing. Our anticipated scope of services for each item is presented in the sections below. This estimated budget does not incorporate additional site visits, if necessary, for addressing discrepancies, unsuitable soils, or overtime hours.

We recommend an estimated budget allowance of approximately \$15,000.00 to \$20,000.00 should be allocated for providing the construction material testing and special inspection observations for this project.

Scope of Services

We propose to provide qualified field technicians, certified special inspectors, engineering interns, and/or registered engineers to perform the requested construction materials testing and special inspections observations on a periodic or continuous basis as required by project specification and drawings, construction activity and the North Carolina Department of Transportation Standards and Specifications.

Earthwork (NCDOT Standards and Specifications)

1. Observe proof-rolling of existing site grades prior to placement of structural fill soil, during earthwork operations to document stability, and at finished subgrade elevations; and provide recommendations for remedial repairs for unstable areas.
2. Perform appropriate laboratory testing on materials proposed for use as engineered fill, backfill for utilities, and paving subgrade soil in accordance with project specifications. Testing may include but are not limited to:
 - Proctor Moisture Density Relationships (ASTM D-698, D-1557) or (AASHTO T-180, T099)
 - Moisture Content Determination (ASTM D-2216)

- Grain Size Distribution (ASTM D-422)
 - Atterberg Limits (ASTM D-4318)
 - #200 Material Washed Sieve Analysis (ASTM C-117)
 - California Bearing Ratio (ASTM D-1883)
3. Continuously observe the placement of structural fill soil and test for compliance with project requirements. Periodically observe the placement of backfill in utility trenches and against foundation walls and test compliance with project requirements.
 4. Perform in-place density tests as required by project specifications and test each lift for compaction per the Drive Tube Method (ASTM D-2937), Sand Cone Method (ASTM D-1556), Nuclear Method (ASTM D-6938), or the Rubber Balloon Method (ASTM D-2167).
 5. Where deficiencies are noted during fill or backfill placement, provide recommendations for remedial repairs, including but not limited to, reworking and re-compacting of materials, undercut and replacement, etc.
 6. Observe bottom of foundation excavation conditions prior and evaluate bearing capacity of subgrade soils utilizing a hand auger, Dynamic Cone Penetrometer (ASTM STP-399), and/or T-handled hand probe, and suggest and observe corrective measures for problematic areas.
 7. Document the dimensions of foundation elements and report compliance with design specifications and approved drawings. Document the presence and/or quantity of water.
 8. Provide documentation of events in the field and notify the appropriate persons upon recognition of deficiencies.

Additional Service not included in our cost of services for this project:

- *Observe excavation operations to document removal of unsuitable materials including debris, trash, much, problem clays or stones with a maximum dimension greater than 6 inches.*
- *Observe foundation drainage and drainage materials and report compliance with the Contract Documents and the manufacturer's recommendations.*
- *Continuously observe the placement of backfill in utility trenches and against foundation walls to test compliance with project requirements.*

CAST-IN-PLACE CONCRETE (NCDOT Standards and Specifications)

Test and report concrete for compliance with the provisions of ACI 318, 301, 214, 304, 305 and 306, local building codes, generally accepted construction practices, and specific project requirements.

1. Observe placement of reinforcing steel and document proper size, grade, spacing cover, cleanliness, length, location and type of splices, and report compliance with project plans and specifications.
2. Observe placement of concrete and document procedures with regard to forming, vibration, and curing.
3. Sample concrete at the frequency stated in the project specifications and perform the following tests and functions:
 - Confirm mix design
 - Slump
 - Air Content (Volumetric or Pressure Pot)
 - Temperature
 - Batch-to-placement time
 - Unit Weight

- Cast test cylinders
 - Sampling, testing, and curing of specimens in the field shall be performed in accordance with applicable ASTM guidelines and project requirements. Additional tests shall be performed as needed in the event deficiencies are encountered. Compliance with extreme weather procedures will also be documented.
4. Cure and test concrete cylinders in the laboratory as directed by the project specifications and in accordance with ASTM C-31 and C-39. Four (4) by eight (8) cylinders size are proposed.
 5. Provide Floor Flatness and Floor Levelness as required by project contract documents.
 6. Provide documentation of events in the field and notify the appropriate persons upon recognition of deficiencies.

Additional Service not included in our cost of services for this project:

- *Perform periodic batch plant site visits in accordance with project specifications.*

PAVING OBSERVATIONS (NCDOT Standards and Specifications)

1. Observe proof-rolling at finished subgrade elevations; and provide recommendations for remedial repairs for unstable areas prior to placement of subbase course.
2. Observe placement of subbase course and perform appropriate in-place density tests as directed by specifications.
3. Observe placement of asphaltic/concrete pavements, rolling operations, and temperature of paving mixture at the time of placement.
4. Perform asphalt cores to document in place thickness and density in our laboratory.
5. Provide documentation of events in the field and notify the appropriate persons upon recognition of deficiencies.

BILLING CONDITIONS

Invoices will be issued on a monthly basis. Upon request, we will provide a separate invoice for services provided outside of the proposed scope of work. Invoices are normally processed on or around the 1st of each month and represent costs incurred during the previous billing cycle. A monthly cumulative summary of project costs to date can be submitted with each invoice, which may serve as a means of monitoring expenses as they relate to job progress. We request that payment be rendered upon receipt of the invoice. Catawba Valley Engineering and Testing reserves the right to assess a finance charge of 1.0% per month on the outstanding balance over 30 days. Catawba Valley Engineering and Testing also reserves the right to withhold final certifications until outstanding balances have been paid in full.

ACCEPTANCE

Our insurance carrier requires that we receive written authorization prior to initiation of work, and a signed contract prior to the release of any work product. This letter and the appended Terms and Conditions is the agreement for our services. Your acceptance of this proposal may be indicated by signing and returning the proposal acceptance form attached. We are pleased to have this opportunity to offer our services and look forward to working with you on the project.

Sincerely,

CATAWBA VALLEY ENGINEERING & TESTING, P.C.

Trivium East Roadway Widening
Trivium East Parkway Extension in Hickory, North Carolina
CVET Proposal No.: 24-024P
Page | 5

A handwritten signature in black ink, appearing to read "D M LeGrand Jr", with a stylized flourish at the end.

David M. LeGrand, Jr., P.E.
President

Attachments: Proposal Acceptance Form
Unit Rate Sheet
Terms and Conditions

Trivium East Roadway Widening
Trivium East Parkway Extension in Hickory, North Carolina
CVET Proposal No.: 24-024P
Page | 6

PROPOSAL ACCEPTANCE FORM

CLIENT and Catawba Valley Engineering and Testing (CVET) agree to the above proposal and the attached Terms and Conditions.

CVET:

Client:


1/24/2024

David M. LeGrand, Jr., P.E.
President

Name:
Title:

PROJECT INFORMATION

Project Name: _____

Project Contact: _____

Distribution List _____
(all names & emails for Reports)

INVOICING INFORMATION

Contact Name: _____

Company Name: City of Hickory

Billing Address: Po Box 398


Hickory, NC 28603

Telephone: _____

E-mail Address: _____

PURCHASE ORDER/SUBCONTRACT No.: _____

SPECIAL CONDITIONS: _____

Approved as to form

City of Hickory - Legal Dept.

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


City of Hickory
Finance Officer

Trivium East Roadway Widening
 Trivium East Parkway Extension in Hickory, North Carolina
 CVET Proposal No.: 24-024P
 Page | 7

CATAWBA VALLEY ENGINEERING & TESTING UNIT RATES

PROJECT MANAGEMENT	
Administrative Assistant	\$75.00/hour
Project Engineer Level I	\$110.00/hour
Project Engineer Level II	\$150.00/hour
Environmental Scientist	\$160.00/hour
Senior Engineer	\$225.00/hour
Principal Engineer	\$245.00/hour
<i>Note: Charges for engineering, scientists and technical personnel will be made for time spent in the field, in engineering and scientific analysis, in preparation and review of reports, and in portal-to-portal travel to the job site at 0.25 hour increments.</i>	
CONSTRUCTION MATERIALS TESTING / SPECIAL INSPECTIONS	
<i>SOIL / MATERIALS / ENVIRONMENTAL FIELD TECHNICIAN</i>	
Field Technician	\$55.00/hour
Senior Field Technician	\$65.00/hour
ICC Certified Special Inspection Technician	\$85.00/hour
Structural Steel Inspection Technician	\$95.00/hour
<i>Note: Overtime Standard Rate is 1.5 for services performed on Saturdays, Sundays or holidays, and before 6:00 AM or after 6:00 PM, or exceeding 8 hours per day Monday thru Friday.</i>	
<i>SOILS / CONCRETE / ASPHALT LABORATORY TESTING</i>	
Standard Proctor A or B (ASTM D-698)	\$200.00/each
Standard C (ASTM D-698) and Modified Proctor (ASTM D-1557)	\$250.00/each
Organic Content of Soil (ASTM D-2974)	\$85.00/each
Grain Size Distribution (ASTM D-6913, old version D-422)	\$90.00/each
Grain Size Distribution with Hydrometer (ASTM D-7928)	\$120.00/each
Atterberg Limits (ASTM D-4318)	\$90.00/each
Moisture Content Testing (ASTM D-2216)	\$40.00/each
Compressive Strength of Concrete Cylinders (ASTM C-39)	\$20.00/each
Compressive Strength of Masonry Grout (ASTM C-1019)	\$25.00/each
Mortar Cubes (ASTM C-109)	\$25.00/each
Compressive Strength of Solid Masonry Block Prisms (ASTM C-1314)	\$350.00/each
Compressive Strength of Hollow Masonry Block Prisms (ASTM C-1314)	\$300.00/each
Concrete Core Samples (ASTM C-42) and Beams (ASTM C-78)	\$150.00/each
Asphalt, Bulk Specific Gravity (AASHTO T-166)	\$125.00/each
<i>Note: Test fee includes normal laboratory technician time, sample preparation, equipment and supplies required for each test. Test fee does not include shipping fees or expedited turnaround time, if applicable.</i>	
ENVIRONMENTAL	
<i>LABORATORY ANALYSIS SERVICES</i>	
VOCs (Soil – EPA 8260B)	\$100.00/sample
VOCs (Groundwater – EPA 8260B)	\$95.00/sample
SVOCs (Soil/Groundwater – EPA 8270D)	\$190.00/sample
RCRA Metals (Soil/Groundwater – EPA 6010/7470/7471)	\$90.00/sample
TPH-GRO (Soil – EPA 8015C)	\$50.00/sample
TPH-GRO (Groundwater – EPA 8015C)	\$40.00/sample
TPH-DRO (Soil/Groundwater – EPA 8015C)	\$45.00/sample
Oil and Grease (Soil/Groundwater – EPA 9071/1664)	\$50.00/sample

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MADEP VPH (Soil)	\$80.00/sample
MADEP VPH (Groundwater)	\$70.00/sample
MADEP EPH (Soil/Groundwater)	\$120.00/sample
VOC (Soil Gas – EPA Method TO-15)	\$300.00/sample
Asbestos Laboratory Analysis 48-Hour (PLM EPA 600/R-116:<1%)	\$14.00/sample
Asbestos Laboratory Analysis 48-Hour (TEM EPA 600/R-93/116)	\$66.00/sample
Lead Paint Chips by Flame Atomic Absorption 48-Hour (SW-846-7000B)	\$17.00/sample
<i>Note: Test fee includes normal laboratory technician time, sample preparation, equipment and supplies required for each test. Test fee does not include shipping fees or expedited turnaround time, if applicable. Pricing for additional analyses is available upon request.</i>	
SUBSURFACE EXPLORATION	
<i>MOBILIZATION SERVICES</i>	
Mobilization of 1 Drill Rig & 2-3 Man Crew (Within 50-mile radius of CVET office)	\$800.00/each
Mobilization of Drill Rig & Crew (Greater than 50-mile radius) *Mobilization Cost stated above (\$800.00) plus:	*\$7.00/mile over 100-mile round trip
Per Diem (Drill Crew per day)	\$500.00/day
Hourly Rate (standby, boring layout, manual clearing access, specialty cleanup, decontamination, difficult moving, hauling water, concrete/asphalt coring)	\$175.00/hour
Cone Penetration Test (CPT) / Dilatometer Test (DMT) Equipment Mobilization	\$500.00/each
Rock Core Mobilization	\$900.00/each
Grout Plant Mobilization	\$500.00/each
<i>LOCATION SET-UP FEES</i>	
Dilatometer Test (DMT) Setup	\$150.00/per hole
Cone Penetration Test (CPT) Setup	\$150.00/per hole
<i>AUGER ONLY DRILLING</i>	
Auger Only Boring (2.25-inch HSA)	\$10.00/ft.
Auger Only Boring (4.25-inch HSA)	\$12.00/ft.
<i>DIRECT PUSH SAMPLING</i>	
MC-5 Macro Continuous Sampling	\$17.00/ft.
DT-22 Continuous Sampling	\$15.00/ft.
Liners for MC-5/DT-22 Sampling (Liners are 5 ft. in length)	\$10.00/each
<i>STANDARD PENETRATION TEST (SPT) DRILLING</i>	
Less than 50 foot and less than 50 blows per foot	\$14.00/ft.
Surcharge for more than 50 blows per foot drilling	\$5.00/ft.
Surcharge for depths greater than 50-foot	\$6.00/ft.
Additional Split Spoon Samples	\$30.00/each
<i>CONE PENETRATION TEST (CPT) SOUNDING</i>	
Less than 50 feet	\$18.00/ft.
Surcharge for depths greater than 50-foot	\$6.00/ft.
Seismic Shear Wave Velocity	\$60.00/each
Pore Pressure Dissipation Test	\$250.00/each
<i>DILATOMETER TEST (DMT) SOUNDING</i>	
Less than 50 feet	\$27.00/ft.
Surcharge for depths greater than 50-foot	\$8.00/ft.
Membrane Replacement	\$40.00/each
<i>PIEZOMETERS AND WELLS</i>	
Piezometer (1-inch PVC in pre-drilled borehole)	\$15.00/ft.

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Type I Monitoring Well in pre-drilled borehole (2-inch PVC)	\$55.00/ft.
Type II Monitoring Well in pre-drilled borehole (2-inch PVC)	\$65.00/ft.
Monitoring Well 2ft. x 2ft. Concrete Pad	\$250.00/each
Monitoring Well Metal Protective Casing	\$275.00/each
Grouting of Monitoring Well, Piezometer, or Borehole abandonment with bentonite / cementitious grout.	\$20.00/ft.
<i>ROCK CORING</i>	
NQ Coring (includes setting casing) to 100-foot	\$80.00/ft.
Surcharge for depths between 100-foot and 150-foot	\$15.00/ft.
Surcharge for depths between 150-foot and 200-foot	\$20.00/ft.
PQ Coring (includes setting casing) to 100-foot	\$95.00/ft.
Surcharge for depths between 100-foot and 150-foot	\$20.00/ft.
Surcharge for depths between 150-foot and 200-foot	\$30.00/ft.
NQ and PQ Rock Core Boxes	\$15.00/each
<i>MISCELLANEOUS</i>	
3-inch x 36-inch Shelby Tube	\$100.00/each
5-gallon Bulk Soil Sample	\$40.00/each
Asphalt / Concrete Repair	\$50.00/each
EQUIPMENT / MATERIALS / EXPENSES	
Transportation Cost	Federal Standard Business Mileage Rate plus: \$.10/mile
Nuclear Density Gauge	\$55.00/visit
Coring Equipment with Generator	\$200.00/day
Floor Flatness/Floor Levelness Gauge	\$200.00/day
Intumescent Fireproofing Gauge	\$200.00/day
Relative Humidity Gauge	\$175.00/day
Relative Humidity Probe Sleeves	\$15.00/each
Peristaltic Pump (Pegasus Alexis)	\$100.00/day
Water Quality Meter (Horiba U-52)	\$175.00/day
Water Level Meter (Heron 100')	\$75.00/day
Redi-Flo 4 Pump and Controller (Grundfos)	\$200.00/day
Photo Ionizing Detector (PID)	\$100.00/day
GPS Handheld Unit (Trimble Geo 7 Series)	\$100.00/day
Rental Equipment, Sub-Contract Services, Expendable, and Non-Standard Supplies	Cost x 1.15
<i>Note: The above charges will be made for tests and equipment operated by Catawba Valley Engineering and Testing personnel in addition to hourly personnel charges listed.</i>	

TERMS AND CONDITIONS

a. **Scope of Services.** CVET agrees to provide to CLIENT certain services as described in the Proposal or Professional Services Agreement attached, which document(s) are incorporated into these Terms and Conditions. Services not addressed are considered outside of our scope of work. CVET's findings, opinions, and recommendations are based solely upon data and information obtained by and furnished to CVET at the time of the Services.

b. **Standard of Care for Professional Services.** CVET will perform the services with the skill and care ordinarily used by qualified professionals performing the same type of services at the same time under similar conditions in the same or similar locality. No other standards or warranties, expressed or implied, including warranties of marketability or fitness for a particular purpose apply. CLIENT understands that CVET's services may entail risk of personal injury and property damage (including cross contamination) that cannot be avoided, even with the exercise of due care.

c. **CLIENT's Responsibilities.** CLIENT will provide permits, licenses, approvals and consents necessary for performance of the services, except those maintained by CVET for its ordinary conduct of business. CLIENT will provide CVET with all reasonably available documents that are related to the services, including information related to hazardous materials or other environmental and geotechnical conditions at the Project site. Before CVET performs any subsurface activities, CLIENT will provide all available information concerning underground services, conduits, pipes, tanks, other facilities and obstructions at the Project site. CVET shall be entitled to rely on the accuracy of the documents and information provided by CLIENT. CLIENT grants CVET and its subconsultant(s) permission to enter the Project site to perform the services. If the Project site is owned by others, CLIENT represents and warrants that the owner has granted permission for CVET to enter the Project site and perform the services. CLIENT will provide CVET with written verification of Project site access permission upon request.

d. **Payment.** CLIENT shall pay for the services performed by CVET at the amount set forth herein. CVET's fees do not include sales tax. CLIENT will pay applicable sales tax as required by law. CVET will submit periodic invoices that are due upon receipt. The CLIENT will notify CVET in writing within 10 days of any disputed item on the invoice and pay all undisputed items within 30 days from the invoice date. CVET will not agree to have retainage withheld and in no event shall CLIENT's obligation to pay CVET be contingent upon its receipt of payment from a third party; CLIENT expressly agrees to pay CVET within thirty (30) days of the invoice date. Overdue payments will accrue interest at the lower of 1½ percent per month or the maximum lawful rate. CVET may terminate its services upon 10 days' written notice any time payment is overdue on any account with CLIENT. CLIENT agrees to pay for all services through termination, plus termination and collection costs, including reasonable attorneys' fees and expenses. If requested, CVET shall execute a release of liens on a form acceptable to CVET.

e. **Change Orders/Added Services.** Both parties to this Agreement must give consent prior to modifying or expanding the Scope of Work. The parties' consent will include authorization for changes in the scope of services, cost and schedule, as required.

f. **Insurance.** CVET will maintain, at its expense, workers' compensation insurance as required by statute, commercial general liability insurance, automobile liability insurance, and professional liability insurance for claims arising out of the performance of its services under this Agreement caused by negligent acts, errors or omissions for which CVET is legally liable. Upon request, CVET will furnish certificates of insurance to CLIENT. CVET will purchase project-specific insurance at CLIENT's request if it is commercially available and CLIENT pays the premium and CVET's costs to obtain the additional coverage.

g. **Project Control and Construction Procedures.** CVET will not supervise, direct or have control over any contractor's work. CVET will not have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction, for Project site health or safety precautions or programs, or for any failure of contractors to comply with contracts, plans, specifications, or laws. We assume the contractor will provide a safe work site and will follow all Federal, State and local guidelines. CVET will not be responsible for the acts or omissions of any others, except for its employees. CLIENT acknowledges that CVET does not warrant or guarantee the approval or receipt of any governmental permits or approvals, or the time to obtain such permits or approvals.

h. **Documents and Information.** All documents, data, calculations, and work papers prepared or furnished by CVET are instruments of service and will remain CVET's property. Designs, reports, data and other work product delivered to or on behalf of CLIENT are for CLIENT's use only for the limited purposes disclosed to CVET and subject to CLIENT paying for the services to provide said work product. Any delayed use, use at another site, use on another project, or use by a third party will be at the user's sole risk. Any technology, methodology, or technical information learned or developed by CVET will remain its property.

i. **Underground Utilities, Subsurface Exploration and Site Restoration.** CLIENT shall provide the location and/or arrange for the marking of utilities and subterranean structures at the Project site. CVET shall take reasonable precautions to avoid damage or injury to subterranean structures or utilities. CVET shall not be responsible for damage to subterranean structures or utilities that are not called to CVET's attention, are not correctly marked, including by any utility locate service, or are incorrectly shown on the Project plans and/or specifications furnished to CVET. CLIENT acknowledges that invasive services such as drilling or sampling may damage or alter the Project site. CVET will conduct its on-site activities to limit damage to existing conditions to the extent possible. CLIENT acknowledges that damage may occur to facilities such as paving, landscaping, utilities, structures, other improvements and existing conditions even with due care. CVET is not responsible for site restoration.

j. **Testing and Observations.** CLIENT understands that testing and observation are discrete sampling procedures, and that such procedures indicate conditions only at the depths, locations and times the procedures were performed. CVET will provide test results and opinions based on tests and field observations only for the samples actually tested. CLIENT understands that testing and observation are not continuous or exhaustive and are conducted to reduce, not eliminate, Project risk. CLIENT is responsible for requesting services and notifying and scheduling CVET so CVET can perform its services.

k. **Hazardous Materials.** CLIENT shall furnish or cause to be furnished to CVET all documents and information known or available to CLIENT that relate to the identity, location, quantity, nature, or characteristic of any hazardous waste, toxic, radioactive, or contaminated materials ("Affected Materials") at or near the Project site, and shall immediately transmit new, updated, or revised information as it becomes available. CLIENT agrees that CVET is not responsible for the disposition of Affected Material and that CLIENT is responsible for directing such disposition. CVET will not undertake, arrange for, or control the handling, treatment, storage, removal, shipment, transportation or disposal of any Affected Materials at or removed from the Project site. In the event that (i) test samples obtained during the performance of services contain Affected Materials, or (ii) equipment used during the performance of services cannot reasonably be decontaminated, CLIENT shall sign documentation required to ensure the equipment and/or samples are transported and disposed of properly and agrees to pay the value of the equipment and reasonable disposal costs. In no event shall CVET be required to sign a hazardous waste manifest or take title to any Affected Materials. CLIENT shall have the obligation to make all spill or release notifications to appropriate governmental agencies. The CLIENT agrees that CVET neither created nor contributed to the creation or existence of any Affected Materials conditions at the Project site.

l. **Indemnification.** To the fullest extent permitted by law, each party agrees to indemnify and hold harmless the other party and its officers and employees from and against any and all claims, damages, liability, loss or expense, including but not limited to attorneys' fees, arising out of or resulting from performance of the services, but excepting to the extent that such damage, loss or expense is due to the fault or negligence of the party seeking indemnity. In no event shall CVET or CLIENT be liable to the other for any incidental, consequential, indirect, special, exemplary, or punitive damages.

m. **Limitation of Liability.** To the fullest extent permitted by law and notwithstanding anything else in this Agreement to the contrary, the aggregate liability of CVET and its affiliates and subconsultants and their employees, officers, directors and agents for all claims arising out of this Agreement or the services is limited to the greater of \$20,000 or the compensation received by CVET under this Agreement. This limitation applies to all injuries, damages, claims, losses, expenses and defense costs, whether based in contract, negligence, strict liability, statute, trespass, indemnity, misrepresentation or any other theory of liability. No claim will be valid if presented to CVET more than three years after substantial completion of the services or, if shorter, the applicable statute of limitations period. CVET will not be liable for lost profits, loss of use of property, diminution of value of property or goods, delays, cost to obtain replacement samples, or other special, indirect, incidental, consequential, punitive, and exemplary or multiple damages.

n. **Safety and Health Laws and Regulations.** CVET shall comply with all local, municipal, state, and federal safety and health laws, orders, and regulations applicable to CVET's operations in the performance of the services hereunder.

o. **Assignment.** Neither party shall assign this Agreement in whole or in part, voluntarily, by operation of law, or otherwise, without first obtaining the written consent of the other party. Any assignment of this Agreement in violation of the foregoing shall be void.

p. **Independent Contractor.** The parties intend that this Agreement create an independent contractor relationship between them. CVET is a professional corporation and is not an agent or employee of CLIENT for any purpose, nor is CLIENT an agent or employee of CVET. Neither party will represent that it has the authority to bind the other in any contractual manner.

q. **Confidential Information, Audit, Subpoenas.** Information about this Agreement and CVET's services and

information provided by CLIENT about the services will be maintained in confidence and will not be disclosed to others without CLIENT's consent, except as CVET believes is necessary to perform its services, comply with professional standards to protect public safety, health and the environment, and to comply with laws and court orders. CVET will make reasonable efforts to notify CLIENT prior to any disclosure except as necessary to perform its services. Information available to the public and unprotected information acquired from third parties will not be considered confidential. CLIENT will reimburse CVET at its standard rates currently in effect if CVET is required to respond to any subpoena, governmental inquiry or audit related to services provided.

r. **Dispute Resolution.** All disputes between CLIENT and CVET shall be subject to non-binding mediation. Either party may demand mediation by serving written notice stating the essential nature of the dispute, the amount of time or money claimed, and requiring the matter to be mediated within forty-five days of service of notice. The mediation shall be administered by such person or organization as CLIENT and CVET may agree on. No action or suit may be commenced unless mediation has occurred but did not resolve the dispute, or unless a statute of limitation period would expire if suit were not filed prior to such forty-five days after service of notice. This Agreement shall be governed by and construed according to North Carolina law.

s. **Force Majeure.** Neither CVET nor CLIENT will be liable for failure to perform the services provided for in this Agreement when such performance is hindered or prevented by an occurrence beyond their control and without the fault or negligence of either CVET or CLIENT.

t. **Geotechnical Services and Environmental Services Termination.** Either party may terminate this Agreement at any time, with or without cause, upon ten (10) days prior written notice to the other party. CLIENT shall compensate CVET for all services performed hereunder through the date of termination and all-reasonable costs and expenses incurred by CVET in effecting the termination, including non-cancelable commitments and demobilization costs. This section does not apply to construction materials testing and/or special inspections services.

u. **Other.**

(i) The above terms and conditions regarding Limitation of Liability and Indemnification shall survive completion of the services under this Agreement and termination of the contract for any cause.

(ii) This Agreement supersedes any contract terms, purchase orders or other documents issued by CLIENT and these Terms and Conditions shall govern over any inconsistent terms in any other document relating to the transactions contemplated by this Agreement.

(iii) The provisions of this Agreement are severable; if any provision is unenforceable, it shall be appropriately limited and given effect to the extent that it is enforceable.

(iv) Headings in these Terms and Conditions are for convenience only and do not form a part of the agreement.

(v) Nothing in this Agreement shall be construed to give any rights or benefits to third parties.

End of Terms and Conditions

BUDGET REVISION # 14

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 Ordinances 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
General Government		6,750	385,000
Other Financing Uses		1,099,120	
Public Safety		300	
Economic & Community Development		30	
Transportation		2,340	
Culture & Recreation		12,000	
	TOTAL	1,120,540	385,000
To provide funding for the above, the General Fund revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services		11,800	
Miscellaneous		9,620	
Other Financing Sources		714,120	
	TOTAL	735,540	-

SECTION 2. To amend the Solid Waste Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection		385,000	
	TOTAL	385,000	-
To provide funding for the above, the Solid Waste Fund revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources		385,000	
	TOTAL	385,000	-

SECTION 3. To amend the Water/Sewer Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses		133,429	
	TOTAL	133,429	-
To provide funding for the above, the Water/Sewer Fund revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources		133,429	
	TOTAL	133,429	-

SECTION 4. To amend the shall be amended as follows:		Citywalk (#B1C001)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects		86,627	346,487
	TOTAL	86,627	346,487
To provide funding for the above, the		Citywalk (#B1C001)	revenues will be amended as follows:
	FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings		86,627	86,627
Other Financing Sources			259,860
	TOTAL	86,627	346,487

SECTION 5. To amend the shall be amended as follows:		Union Square/Streetscapes (#B1C002)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects			54,993
	TOTAL	-	54,993
To provide funding for the above, the		Union Square/Streetscapes (#B1C002)	revenues will be amended as follows:
	FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources			54,993
	TOTAL	-	54,993

SECTION 6. To amend the shall be amended as follows:		Downtown Camera Systems (#BLC003)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects		221	14,621
	TOTAL	221	14,621
To provide funding for the above, the		Downtown Camera Systems (#BLC003)	revenues will be amended as follows:
	FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources			14,400
Investment Earnings		221	221
	TOTAL	221	14,621

SECTION 7. To amend the shall be amended as follows:		Historic Ridgeview Walk (#B1L001)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects		22,907	22,907
	TOTAL	22,907	22,907
To provide funding for the above, the		Historic Ridgeview Walk (#B1L001)	revenues will be amended as follows:
	FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings		22,907	22,907
	TOTAL	22,907	22,907

SECTION 8. To amend the		Bookwalk South (#B1L002)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
		FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects			37,256	37,256
		TOTAL	37,256	37,256
To provide funding for the above, the				
		FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings			37,256	37,256
		TOTAL	37,256	37,256

SECTION 9. To amend the		Riverwalk (#B1R001)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
		FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects			144,068	144,068
		TOTAL	144,068	144,068
To provide funding for the above, the				
		FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings			144,068	144,068
		TOTAL	144,068	144,068

SECTION 10. To amend the		Aviation Walk (#B1N001)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
		FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects			24,837	24,837
		TOTAL	24,837	24,837
To provide funding for the above, the				
		FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings			24,837	24,837
		TOTAL	24,837	24,837

SECTION 11. To amend the		Trivium Corporate Center (#B1B001)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
		FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects			98,877	98,877
		TOTAL	98,877	98,877
To provide funding for the above, the				
		FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings			98,877	98,877
		TOTAL	98,877	98,877

SECTION 12. To amend the shall be amended as follows:		Trivium Corporate Center Project Enzyme (#B1B003)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects		6,663	6,663
	TOTAL	6,663	6,663
To provide funding for the above, the Trivium Corporate Center Project Enzyme (#B1B003) revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings		6,663	6,663
	TOTAL	6,663	6,663

SECTION 13. To amend the shall be amended as follows:		Trivium Corporate Center East (#B1B004)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects		24,414	4,414
	TOTAL	24,414	4,414
To provide funding for the above, the Trivium Corporate Center East (#B1B004) revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings		4,414	4,414
Other Financing Sources		10,000	
Restricted Intergovernmental		10,000	
	TOTAL	24,414	4,414

SECTION 14. To amend the shall be amended as follows:		Trivium Court Extension (#B1B005)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects		2,533	2,533
	TOTAL	2,533	2,533
To provide funding for the above, the Trivium Court Extension (#B1B005) revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings		2,533	2,533
	TOTAL	2,533	2,533

SECTION 15. To amend the shall be amended as follows:		One North Center (#700013)	Capital Project Ordinance, the expenditures
	FUNCTIONAL AREA	INCREASE	DECREASE
General Government		261,228	261,228
	TOTAL	261,228	261,228
To provide funding for the above, the One North Center (#700013) revenues will be amended as follows:			
	FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous		238,341	238,341
Investment Earnings		22,887	22,887
	TOTAL	261,228	261,228

SECTION 16. To amend the shall be amended as follows:		Old Lenoir Road (#B1O001)	Capital Project Ordinance, the expenditures	
		FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects			10,607,465	
		TOTAL	10,607,465	-
To provide funding for the above, the Old Lenoir Road (#B1O001) revenues will be amended as follows:				
		FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous			1,508,735	
Restricted Intergovernmental			7,000,000	
Other Financing Sources			2,014,250	
Investment Earnings			84,480	
		TOTAL	10,607,465	-

SECTION 17. To amend the shall be amended as follows:		9th Street Streetscape EB-5977 (#B1O002)	Capital Project Ordinance, the expenditures	
		FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects			1,209,651	
		TOTAL	1,209,651	-
To provide funding for the above, the 9th Street Streetscape EB-5977 (#B1O002) revenues will be amended as follows:				
		FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources			537,958	
Miscellaneous			671,693	
		TOTAL	1,209,651	-

SECTION 18. To amend the shall be amended as follows:		ARC Grant - 9th Av Dr NW (#546016)	Capital Project Ordinance, the expenditures	
		FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection				60,000
General Capital Projects			1,339,148	41,122
		TOTAL	1,339,148	101,122
To provide funding for the above, the ARC Grant - 9th Av Dr NW (#546016) revenues will be amended as follows:				
		FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous			1,104,597	
Other Financing Sources			133,429	
		TOTAL	1,238,026	-

SECTION 19. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

Adopted this ____ day of _____, 2024

Mayor

Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Steve Miller, Public Works Director
Contact Person: Steve Miller
Date: January 12, 2024
Re: Conduct a Public Hearing for Street Closing Petition – Petitioner Jojida, LLC and Linda H. Huffman for a portion of 1st Avenue SE, portion of 8th Street Court SE, portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE

REQUEST

Staff request Council conduct a Public Hearing to consider closing a portion of 1st Avenue SE, portion of 8th Street Court SE, portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE, as petitioned by Jojida, LLC and Linda H. Huffman.

BACKGROUND

The City Clerk received a petition from Jojida, LLC and Linda H. Huffman, owners of the properties abutting a portion of 1st Avenue SE, portion of 8th Street Court SE, portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE. The petition requests the City to close the aforementioned areas per NCGS § 160A-299.

ANALYSIS

The City Clerk received a petition from Jojida, LLC and Linda H. Huffman to close a portion of 1st Avenue SE, portion of 8th Street Court SE, portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE. The aforementioned areas are bound by the properties owned by the Petitioners Jojida, LLC and Linda H. Huffman. The signatures on the petition represent all the owner(s) of the property abutting these portions of the right-of-way. The petition fee of \$830 has been paid.

A memo was sent to various departments for their input on the street closing. Public Utilities advised 1st Avenue SE and 8th Street Court SE both have public water and sewer infrastructure that is in service. These utilities serve properties that are not part of this closing. A 25-foot utility easement needs to be recorded for this infrastructure or appropriate relocation and easements need to take place at the requestor's cost.

RECOMMENDATION

Staff recommends Council conduct the public hearing to consider closing a portion of 1st Avenue SE, portion of 8th Street Court SE, portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE as petitioned by Jojida, LLC and Linda H. Huffman.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:



Initiating Department Head

Rodney Miller
Asst. City Manager Rodney Miller

Date

1/30/24

Date

Melissa Miller
Finance Officer, Melissa Miller

1/30/24
Date

Yaidee Fox
Asst. City Manager Yaidee Fox

1/30/24
Date

A. Dula
Deputy City Attorney, A. Dula

1-30-24

Date

R. Beasley
Asst. City Manager, R. Beasley

1/30/24

Date

Deputy Finance Officer,
Cameron McHargue

Date

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

W. Wood
City Manager, W. Wood

1/31/24
Date

NORTH CAROLINA

PETITION FOR STREET AND ALLEY CLOSURE

CATAWBA COUNTY

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF HICKORY

NOW COME, JOJIDA, LLC (“Petitioner 1”) and LINDA H. HUFFMAN, widow (“Petitioner 2”, and collectively with Petitioner 1, the “Petitioners”), and respectfully petition the Honorable Mayor and City Council of Hickory as follows:

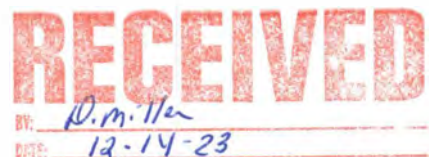
1. Petitioner 1’s address is:

Jojida, LLC
Attn: Joe Rowe
P.O. Box 2610
Hickory, NC 28603

2. Petitioner 2’s address is:

Linda H. Huffman
6322 Halifax Rd.
Conover, NC 28613

3. Petitioner 1 and Petitioner 2 seek to close a portion of: (a) 1st Avenue SE, Hickory, Catawba County, North Carolina (“1st Ave.”), and (b) 8th Street Court SE, Hickory, Catawba County, North Carolina (“8th St.”).
4. Petitioner 1 seeks to close: (a) a portion of 2nd Avenue Drive SE, Hickory, Catawba County, North Carolina (“2nd Ave.”), and (b) all of an unnamed alley shown on Plat Book 1, Page 97, Catawba County Registry (the “Alley”, and collectively with 1st Ave., 2nd Ave., and 8th St., the “Streets”).
5. A survey showing the location of the portions of 1st Ave., 2nd Ave., and 8th St., to be closed and the location of the Petitioners’ parcels in relation thereto is shown on Exhibit A-1 attached hereto and incorporated by reference herein.
6. A copy of Plat Book 1, Page 97, Catawba County Registry which shows the Alley to be closed and the location of Petition 1’s parcels in relation thereto is shown on Exhibit A-2 attached hereto and incorporated by reference herein.
7. Metes and bounds descriptions of the portions of the Streets to be closed and the description of the Alley are detailed on Exhibit B attached hereto and incorporated by reference herein.
8. Petitioner 1 owns the following six (6) parcels of land which adjoin the portion of 1st Ave. for which closure is sought:



- a. PIN # 371205084655 (LRK/REID 28278) Book 2224, Page 817, Catawba County Registry (Lots 1-36 and part of Lots 37 & 38 (less the portion conveyed to NCDOT in Book 913, Page 230, Catawba County Registry), Plat Book 1, Page 97, Catawba County Registry).
 - b. PIN # 371205082637 (LRK/REID 28268) Book 2224, Page 817, Catawba County Registry (Lot 7, Plat Book 3, Page 45, Catawba County Registry).
 - c. PIN # 371205081697 (LRK/REID 28267) Book 2228, Page 1502, Catawba County Registry (Lot 6, Plat Book 3, Page 45, Catawba County Registry).
 - d. PIN # 371205081636 (LRK/REID 28266) Book 2244, Page 1530, Catawba County Registry (Lot 5, Plat Book 3, Page 45, Catawba County Registry).
 - e. PIN # 371205080781 (LRK/REID 28264) Book 2244, Page 1530, Catawba County Registry.
 - f. PIN # 371205080645 (LRK/REID 28263) Book 2244, Page 1530, Catawba County Registry.
9. Petitioner 2 owns the following parcel of land in the vicinity of the portion of 1st Ave. for which closure is sought:

PIN # 370208989678 (LRK/REID 28262) Book 1597, Page 156, Catawba County Registry.

10. To the best of the Petitioners' knowledge, the closing and abandonment of the portion of 1st Ave. described on Exhibit B is not contrary to the public interest, and no individual or other party, owning property in the vicinity of 1st Ave. will be deprived of reasonable means of ingress or egress to his or its property. There are no other adjoining property owners.
11. Petitioner 1 owns the following eight (8) parcels of land which adjoin the portion of 8th St. for which closure is sought:

- a. PIN # 371205084655 (LRK/REID 28278) Book 2224, Page 817, Catawba County Registry (Lots 1-36 and part of Lots 37 & 38 (less the portion conveyed to NCDOT in Book 913, Page 230, Catawba County Registry), Plat Book 1, Page 97, Catawba County Registry).
- b. PIN # 371205082575 (LRK/REID 28314) Book 2736, Page 1088, Catawba County Registry.
- c. PIN # 371205083439 (LRK/REID 28315) Book 2736, Page 1088, Catawba County Registry.
- d. PIN # 371205083453 (LRK/REID 28316) Book 2278, 515, Catawba County Registry.
- e. PIN # 371205081336 (LRK/REID 28273) Book 2944, Page 1924, Catawba County Registry.

- f. PIN # 371205081572 (LRK/REID 28270) Book 2249, Page 145, Catawba County Registry (Lot 3, Plat Book 3, Page 45, Catawba County Registry).
 - g. PIN # 371205081587 (LRK/REID 28269) Book 2228, Page 1500, Catawba County Registry (Lot 4, Plat Book 3, Page 45, Catawba County Registry).
 - h. PIN # 371205082637 (LRK/REID 28268) Book 2224, Page 817, Catawba County Registry (Lot 7, Plat Book 3, Page 45, Catawba County Registry).
12. Petitioner 2 owns the following parcel of land in the vicinity of the portion of 8th St. for which closure is sought:
- PIN # 370208989678 (LRK/REID 28262) Book 1597, Page 156, Catawba County Registry.
13. To the best of the Petitioners' knowledge, the closing and abandonment of the portion of 8th St. described on Exhibit B is not contrary to the public interest, and no individual or other party, owning property in the vicinity of 8th St. will be deprived of reasonable means of ingress or egress to his or its property. There are no other adjoining property owners.
14. Petitioner 1 owns the following five (5) parcels of land which adjoin the portion of 2nd Ave. for which closure is sought:
- a. PIN # 371205084655 (LRK/REID 28278) Book 2224, Page 817, Catawba County Registry (Lots 1-36 and part of Lots 37 & 38 (less the portion conveyed to NCDOT in Book 913, Page 230, Catawba County Registry), Plat Book 1, Page 97, Catawba County Registry).
 - b. PIN # 371205086458 (LRK/REID 28282) Book 2736, Page 1088, Catawba County Registry (Lots 51 & 52, Plat Book 1, Page 97, Catawba County Registry).
 - c. PIN # 371205087207 (LRK/REID 28318) Book 2460, Page 996 and Book 2323, Page 1140, Catawba County Registry.
 - d. PIN # 371205083439 (LRK/REID 28315) Book 2736, Page 1088, Catawba County Registry.
 - e. PIN # 371205082575 (LRK/REID 28314) Book 2736, Page 1088, Catawba County Registry.
15. To the best of the Petitioner 1's knowledge, the closing and abandonment of the portion of 2nd Ave. described on Exhibit B is not contrary to the public interest, and no individual or other party, owning property in the vicinity of 2nd Ave. will be deprived of reasonable means of ingress or egress to his or its property. There are no other adjoining property owners.

16. Petitioner 1 owns the following parcel of land which encompasses the entire Alley, for which closure is sought:

PIN # 371205084655 (LRK/REID 28278) Book 2224, Page 817, Catawba County Registry (Lots 1-36 and part of Lots 37 & 38 (less the portion conveyed to NCDOT in Book 913, Page 230, Catawba County Registry), Plat Book 1, Page 97, Catawba County Registry).

17. To the best of the Petitioner 1's knowledge, the closing and abandonment of the Alley described on Exhibit B is not contrary to the public interest, and no individual or other party, owning property in the vicinity of the Alley will be deprived of reasonable means of ingress or egress to his or its property. There are no other adjoining property owners.
18. Petitioners are under contract to sell all parcels adjoining the Streets to a single purchaser who intends to combine the parcels and develop the same as a single, integrated development, and the Streets are no longer needed and serve as an impediment to the purchaser's planned development.
19. The City of Hickory acting through its Mayor and City Council is authorized by North Carolina General Statutes §160A-296 et seq. to close the Streets as hereinabove described.

(signature pages to follow)

WHEREFORE, the undersigned Petitioner 1 respectfully requests the Mayor and City Council of the City of Hickory to declare their intent to close the Streets as described above and as indicated on the attached Exhibits, and to give Notice of Hearing to be held to consider such closing in accordance with the provisions of North Carolina General Statute §160A-299.

This the 14 day of December, 2023.

JOJIDA, LLC

DocuSigned by:

Joe C. Rowe

By: 2CBA033E05784AD...

Name: JOE C. ROWE

Title: Member Manager

WHEREFORE, the undersigned Petitioner 2 respectfully requests the Mayor and City Council of the City of Hickory to declare their intent to close the Streets as described above and as indicated on the attached Exhibits, and to give Notice of Hearing to be held to consider such closing in accordance with the provisions of North Carolina General Statute §160A-299.

This the 13 day of December, 2023.

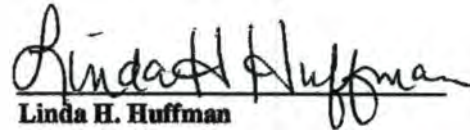

Linda H. Huffman

Exhibit A-1

[Attach Survey]

BUNTON SURVEYING and MAPPING, PA

231 13TH AVE PL. N.W.
HICKORY N.C., 28601
SUITE 9
828-855-3313
828-835-0333
DEREK R. BUNTON, PLS-4808
BUSINESS LICENSE: C-2069

Date	Station	Target	Length	Chord	Chord Bear
10/11	2006/04	10/11	109.30	109.40	0° 11' 30" N

Exhibit A-1

The streets for which Petitioners seek closure are highlighted and cross hatched.

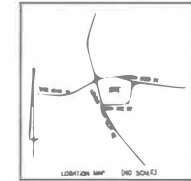
TATE BOULEVARD S.E.

BOUNDARY and P/W LOCATION SURVEY FOR
SHG HICKORY, LLC
HICKORY TOWNSHIP,
CATAWBA COUNTY, N.C.

DATE: 08/23/23 F.B. N-18, Pg. 51 SCALE: 1" = 60'
P/W # 3702-0808-8678, 3712-0508-0445, 3712-0508-0781,
3712-0508-0804, 3712-0508-1834, 3712-0508-1897, 3712-0508-2837,
3712-0508-1867, 3712-0508-1872, 3712-0508-1338, 3712-0508-0459,
3712-0508-0537, 3702-0808-8682, 3712-0508-8653, 3712-0508-8798,
3712-0508-1829, 3712-0508-8689, 3712-0508-8674, 3712-0508-8408,
3712-0508-8754, 3712-0508-8558, 3712-0508-8451, 3712-0508-8357,
3712-0508-8482, 3712-0508-8404, 3712-0508-8524, 3712-0508-8536,
3712-0508-8644, 3712-0508-8649, 3712-0508-2975, 3712-0508-3436,
3712-0508-3453, 3712-0508-7207, 3712-0507-3868, 3712-0508-5057,
3712-0507-3868 & 3712-0508-2248
REFERENCE DEEDS: 1897/186, 2244/1530, 2228/1502, 2224/817, 2228/1500,
2248/148, 2844/1824, 2403/1353, 2298/544, 2248/147, 2302/906, 2224/817,
2425/319, 2738/1088, 5440/1078, 2805/1148, 2894/1383, 3389/730,
1403/880, 3440/1078, 2738/1088, 2278/515, 2480/888, 2323/1140, 2302/1088,
2333/1140, & 3529/1876

DRAWN BY: DEREK R. BUNTON, PLS-4808
JOB #23070181
FILE NAME: 23070181-RW DEDICATION

Station	Bearing	Distance
1+1	S 89° 00' 00" W	12.00'
1+2	S 89° 00' 00" W	12.00'
1+3	S 89° 00' 00" W	12.00'
1+4	S 89° 00' 00" W	12.00'
1+5	S 89° 00' 00" W	12.00'
1+6	S 89° 00' 00" W	12.00'
1+7	S 89° 00' 00" W	12.00'
1+8	S 89° 00' 00" W	12.00'
1+9	S 89° 00' 00" W	12.00'
1+10	S 89° 00' 00" W	12.00'
1+11	S 89° 00' 00" W	12.00'
1+12	S 89° 00' 00" W	12.00'
1+13	S 89° 00' 00" W	12.00'
1+14	S 89° 00' 00" W	12.00'
1+15	S 89° 00' 00" W	12.00'
1+16	S 89° 00' 00" W	12.00'
1+17	S 89° 00' 00" W	12.00'
1+18	S 89° 00' 00" W	12.00'
1+19	S 89° 00' 00" W	12.00'
1+20	S 89° 00' 00" W	12.00'



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 - Center line - 1494" - 1494"
 - Center line - 1500" - 1500"



I, DEREK R. BUNTON, PLS-4808, hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor in the State of North Carolina. I am not providing an independent engineering or architectural service. This plat is prepared in accordance with the Standards of Practice for Land Surveys in North Carolina. I have not been provided with any other information that would affect the accuracy of this plat. I have not been provided with any other information that would affect the accuracy of this plat. I have not been provided with any other information that would affect the accuracy of this plat.

SPECIAL NOTES

NOTE: ALL AREAS SHOWN HEREON WERE DETERMINED BY COORDINATE COMPUTATION.

NOTE: PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESTRICTIONS, AND CONDITIONS OF RECORD AFFECTING SAID PREMISES.

NOTE: THIS PLAT IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE BY DEREK R. BUNTON, PLS-4808 AND REFLECTS GROUND EVIDENCE FOUND AT THE TIME OF SAID SURVEY.

NOTE: THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY(IES) NAMED HEREON. CERTIFICATES DO NOT EXTEND TO ANY UNNAMED PERSON(S) WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR HAVING SAID PERSON(S).

NOTE: SUBJECT PROPERTY IS NOT LOCATED IN A WATERSHED AREA OF CATAWBA COUNTY.

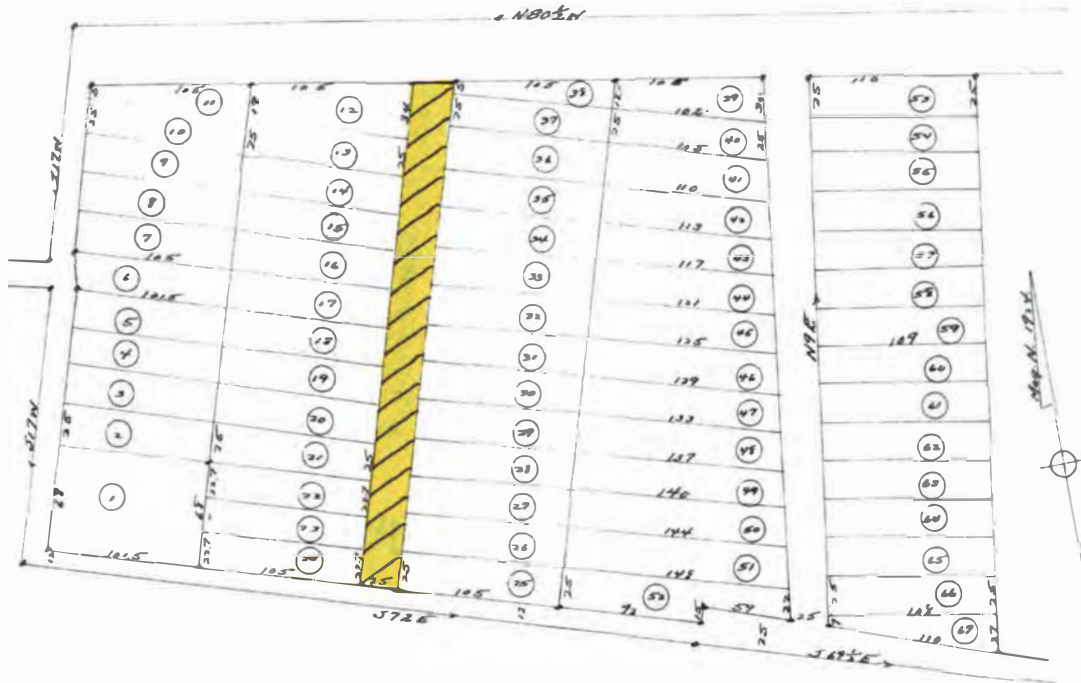
NOTE: SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA OF CATAWBA COUNTY (SEE F.E.M.A. PANEL #3710371200J & 3710370200J)

Exhibit A-2

[attach Plat]

Exhibit A-2

The unnamed alley for which Petitioners seek closure is highlighted and crosshatched.



Subdivision G.C. Book Property
 South East Hatory, N.C.
 Carolina Land Co., Selling Agent
 Hatory, N.C.
 G. L. Stone, Reg. Sur.
 Hillsboro, N.C.
 April 15, 1924
 Scale 1" = 50'

N.C. Columbus Co.
 G. L. Stone first being duly sworn, says that he is a Reg. Sur. under the laws of N.C., that on April 22, 1924, at request of Carolina Land Co., Agent, for Mrs. L. P. Cardell, owner, he made a survey of the lands described in the attached plat, said lands located in N. Hatory, Columbus Co., N.C. that said plat was prepared from an actual survey and are in all respects correct, all distances given thereon are as measured by chainmen and those he believes to be correct, all lines were run on magnetic bearing for that date.

G. L. Stone
 Reg. Sur.
 Subscribed and sworn before me this 30th day of April 1924.
 Oscar Potts
 N.P. [My comm. exp. Apr. 1924]

No. Carolina Columbus Co.
 The foregoing certificate of Oscar Potts, a N.P. of Columbus Co. is adjudged to be correct, and the instrument with the certificate be registered.

J. C. R. 2011, C. S. C.
 Filed for registration of this plat on May 19, 1924, and registered on May 19, 1924 in the office of the Reg. of Deeds for Columbus Co. in Plat Book 1 of Page 97.
 Josephine Taylor
 Reg. of Deeds.

Exhibit B

Tract 1 (portions of 1st Ave., 2nd Ave., and 8th St. requested to be closed):

Being those streets lying and being in the City of Hickory, Catawba County, North Carolina and being more particularly described as follows:

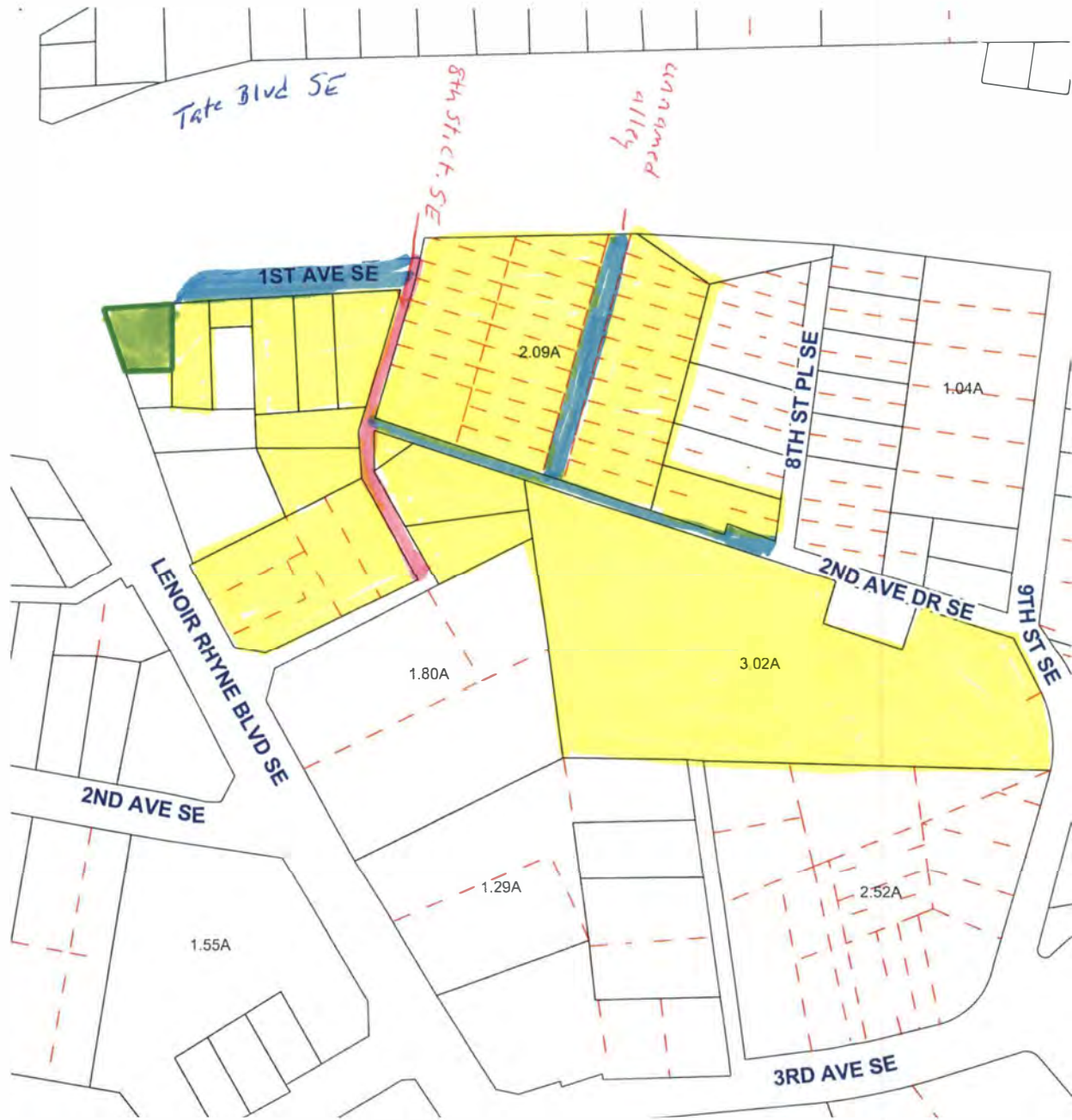
Commencing at a 1/2" existing iron rod in the eastern margin of Lenoir Rhyne Boulevard S.E., said rod also being the northwestern corner of Linda H. Huffman, now or formerly (Deed Book 1597, Page 156) ("Huffman"); thence N78°26'53"E 86.90 feet along the northern line of Huffman to the point and place of BEGINNING, said place of beginning also being the northeastern corner of Huffman:

Thence from the point and place of BEGINNING along the old northern margin of 1st Avenue SE the following six courses and distances: (1) N54°16'05"E 49.16 feet to a 1" existing iron rod; (2) N86°15'22"E 64.64 feet to a 1/2" new iron rebar; (3) N86°57'52"E 54.76 feet to a 1/2" new iron rebar; (4) S89°33'12"E 105.00 feet to a 1/2" new iron rebar; (5) N13°52'47"E 30.82 feet to an existing right-of-way monument; and, (6) N85°20'51"E 34.00 feet to a 1/2" new iron rebar, said new iron rebar also being the northwestern corner of Jojida, LLC, now or formerly (Deed Book 2224, Page 817) ("Jojida 1"); thence, turning South, and proceeding along the old eastern margin of 8th Street Court SE, the same being the western line of Jojida 1, the following three courses and distances: (1) S17°35'21"W 30.14 feet to a 1/2" new iron rebar; (2) thence S12°15'53"W 23.68 feet to a 1/2" new iron rebar; (3) thence S17°21'53"W 161.97 feet to a 1/2" new iron rebar; thence, turning East, and proceeding along the old northern margin of 2nd Avenue Drive SE, the same being the southern line of Jojida 1 and Jojida, LLC, now or formerly (Deed Book 2736, Page 1088) ("Jojida 2"), the following three courses and distances: (1) S70°11'56"E 418.50 feet to a 1/2" new iron rebar being a corner of Jojida 2; (2) thence turning North, N18°23'14"E 13.20 feet to a 1/2" new iron rebar being a corner of Jojida 2; and, (3) thence turning East, S70°11'56"E 59.00 feet to a 1/2" new iron rebar being a corner of Jojida 2; thence turning South, and crossing 2nd Avenue Drive SE, S09°39'35"W 26.49 feet to a point in the northern line of Jojida, LLC, now or formerly (Deed Book 2460, Page 996 and Deed Book 2323, Page 1140) ("Jojida 3"); thence turning West, and proceeding along the old southern margin of 2nd Avenue Drive SE, the same being the northern lines of Jojida 3 and Jojida 2, N70°11'56"W 477.50 feet to a 1/2" new iron rebar being the northwestern corner of Jojida 2; thence, turning South, and proceeding along the old eastern margin of 8th Street Court SE, the same being the western line of Jojida 2 and Jojida, LLC, now or formerly (Deed Book 2278, Page 515) ("Jojida 4") the following two courses and distances: (1) S00°17'20"W 43.75 feet to a 1/2" new iron rebar being the southwestern corner of Jojida 2; and, (2) thence S25°03'02"E 133.26 feet to a 1/2" existing iron rebar, being a point in the western line of Jojida 4; thence, turning West and crossing 8th Street Court SE, S64°35'15"W 19.13 feet to a 1/2" new iron rebar being the southeastern corner of Jojida, LLC, now or formerly (Deed Book 2944, Page 1924) ("Jojida 5"); thence turning North, and proceeding along the old western margin of 8th Street Court SE, the same being the eastern lines of Jojida 5 and Jojida, LLC, now or formerly (Deed Book 2249, Page 145; Deed Book 2228, Page 1500; and, Deed Book 2224, Page 817) the following three courses and distances: (1) N26°07'11"W 128.49 feet to a 1/2" existing iron rebar; (2) thence N02°09'07"E 72.42 to a 1/2" existing iron rebar being a point in the eastern line of Jojida, LLC; and, (3) thence N 17°21'53"E 151.69 feet to a 1/2" existing iron rebar being a point in the eastern line of Jojida, LLC; thence, turning West, and proceeding along the old southern margin of 1st Avenue SE, S88°15'13"W 273.29 feet to the point and place of BEGINNING.

Tract 2 (alley requested to be closed):

Being that unnamed alley lying in the City of Hickory, Catawba County, North Carolina and being bordered on the east by Lots 25 through 38 and on the west by Lots 12 through 24 as shown on the plat entitled "Subdivision of C.C. Bost Property" prepared by G.L. Stine dated April 15, 1924, and recorded in Plat Book 1, Page 97 of the Catawba County Registry (the "Plat"). The same being described by metes and bounds as follows:

BEGINNING at the northwestern corner of Lot 38, as shown on the Plat; thence S17°W 330 feet along the western lines of Lots 25 through 38 to a point, said point being the southwestern corner of Lot 25, as shown on the Plat; thence N72°W 25 feet to a point, said point being the southeastern corner of Lot 24, as shown on the Plat; thence N17°E 327 feet along the eastern lines of Lots 12 through 24 to a point, said point being the northeastern corner of Lot 12 as shown on the Plat; thence S80.5°E 25 feet, to the point and place of BEGINNING.



1in=200ft

Parcel: 370208989678, 107 LENOIR RHYNE BLVD SE HICKORY, 28602

Owners: HUFFMAN LINDA H,

Owner Address: 6322 HALIFAX RD

Values - Building(s): \$0, Land: \$10,500, Total: \$10,500

- to be closed
- 8th St Ct SE to be closed
- Linda Huffman
- Jajida LLC

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

Prepared by/Return to: City of Hickory, Legal Department
Deputy City Attorney Arnita Dula
P.O. Box 398
Hickory, NC 28603

RESOLUTION NO. 24-
RESOLUTION AND ORDER

WHEREAS, Jojida, LLC AND Linda H. Huffman owns properties adjoining the following described area, in the City of Hickory, County of Catawba, which is further described as follows:

A portion of 1st Avenue SE, a portion of 8th Street Court SE, a portion of 2nd Avenue Drive SE, and an unnamed alley located off of 2nd Avenue Drive SE

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

Being located in Hickory Township, Catawba County, North Carolina and more particularly described as:

Tract 1 (portions of 1st Avenue SE., 2nd Avenue Drive SE., and 8th Street Court SE. requested to be closed):

Being those streets lying and being in the City of Hickory, Catawba County, North Carolina and being more particularly described as follows:

Commencing at a 1/2" existing iron rod in the eastern margin of Lenoir Rhyne Boulevard S.E. being the northwestern corner of Linda H. Huffman, now or formerly (Deed Book 1597, Page 156) ("Huffman"); thence N78°26' 53"E 86.90 feet along the northern line of Huffman to the point and place of BEGINNING, said place of beginning also being the northeastern corner of Huffman:

Thence from the point and place of BEGINNING along the old northern margin of 1st Avenue SE the following six courses and distances: (1) N54° 16'05"E 49.16 feet to a 1" existing iron rod; (2) N86° 15 '22"E 64.64 feet to a 1/2" new iron rebar; (3) N86° 57'52"E 54.76 feet to a 1/2" new iron rebar; (4) S89° 03' 12"E 105.00 feet to a 1/2" new iron rebar; (5) N13° 52'47"E 30.82 feet to an existing right-of-way monument; (6) N85° 20'51 "E 34.00 feet to a 1/2" new iron rebar, said new iron rebar also being the northwestern corner of Jojida, LLC, now or formerly (Deed Book 2224, Page 817) ("Jojida 1"); thence, turning south, and proceeding along the old eastern margin of 8th Street Court SE, the same being the western line of Jojida 1, the following three courses and distances: (1) S17°35' 21 "W 30.14 feet to a 1/2" new iron rebar; (2) thence S12° 15'53"W 23.68 feet to a 1/2" new iron rebar; (3) thence S17°21 '53"W 161.97 feet to a 1/2" new iron rebar; thence, turning east, and proceeding along the old northern margin of 2nd Avenue Drive SE, the same being the southern line of Jojida 1 and Jojida, LLC, now or formerly (Deed Book 2736, Page 1088) ("Jojida 2"), the following three courses and distances: (1) S70° 11'56"E 418.50 feet to a 1/2" new iron rebar being a corner of Jojida 2; (2) thence turning north, N18° 23'14"E 13.20 feet to a 1/2" new iron rebar being a corner of Jojida 2; (3) thence turning east, and proceeding along the old northern margin of 2nd Avenue Drive SE, S70°11'56"E 59.00 feet to a 1/2" new iron rebar being a corner of Jojida 2; thence turning south, and crossing 2nd Avenue Drive SE, S09°39'35"W 26.49 feet to a point in the northern line of Jojida, LLC, now or formerly (Deed Book 2460, Page 996 and Deed Book 2323, Page 1140) ("Jojida 3"); thence turning west, and proceeding along the old southern margin of 2nd Avenue Drive SE, the same being the northern line of Jojida 3 and Jojida 2, N70°11'56"W 477.50 feet to a 1/2" new iron rebar being the northwestern corner of Jojida 2; thence, turning south, and proceeding along the old eastern margin of 8th Street Court SE, the same being the western line of Jojida 2 and Jojida, LLC, now or formerly (Deed Book 2278, Page 515) ("Jojida 4") the following two courses and distances: (1) S00°17'20"W 43.75 feet to a 1/2" new iron rebar being the southwestern corner of Jojida 2; (2) thence S25°03'02"E 133.26 feet to a 1/2" existing iron rebar, being a point in the western line of Jojida 4; thence, turning west, and proceeding across 8th Street Court SE, S64°35'15"W 19.13 feet to a 1/2" new iron rebar being the southeastern corner of Jojida, LLC, now or formerly (Deed Book 2944, Page 1924); thence turning north, and proceeding along the old western margin of 8th Street Court SE, the same being the eastern line of Jojida, LLC, now or formerly (Deed Book 2249, Page 145; Deed Book 2228, Page 1500; and, Deed Book 2224, Page 817) the following three courses and distances: (1) N26°07'11"W 128.49 feet to a 1/2" existing iron rebar; (2) thence N02°09'07"E 72.42 to a 1/2" existing iron rebar being a point in the eastern line of Jojida, LLC; (3) thence N17°21'53"E 151.69 feet to a 1/2" existing iron rebar being a point in the eastern line of Jojida, LLC; thence, turning west, and proceeding along the old southern margin of 1st Avenue SE, S88°15'13"W 273.29 feet to the point and place of BEGINNING.

Tract 2 (alley requested to be closed):

Being that unnamed alley lying in the City of Hickory, Catawba County, North Carolina and being bordered on the east by Lots 25 through 38 and on the west by Lots 12 through 24 as shown on the plat entitled "Subdivision of C.C. Bost Property" prepared by G.L. Stine dated April 15, 1924, and recorded in Plat Book 1, Page 97 of the Catawba County Registry (the "Plat"). The same being described by metes and bounds as follows:

BEGINNING at the northwestern corner of Lot 38, as shown on the Plat; thence S17⁰W 330 feet along the western lines of Lots 25 through 38 to a point, said point being the southwestern corner of Lot 25, as shown on the Plat; thence N72⁰W 25 feet to a point, said point being the southeastern corner of Lot 24, as shown on the Plat; thence N17⁰E 327 feet along the eastern lines of Lots 12 through 24 to a point, said point being the northeastern corner of Lot 1,2 as shown on the Plat; thence S80.5⁰E 25 feet, to the point and place of BEGINNING.

WHEREAS, following the filing of said petition with the City Council, a notice of public hearing upon the question of closing and abandoning said area for public roadway purposes was advertised in *The Hickory Daily Record* in the issues of January 6, January 13, January 20, and January 27, 2024.

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

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

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

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

BY ORDER OF THE HICKORY CITY COUNCIL.

ADOPTED ON THIS 6TH DAY OF FEBRUARY, 2024.

THE CITY OF HICKORY,
A North Carolina Municipal Corporation

By: _____
Hank Guess, Mayor

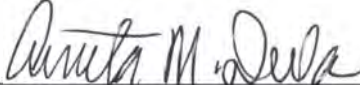
Attest:

(SEAL)

Date: _____

Debbie D. Miller, City Clerk

Approved as to form:



Arnita Dula, Deputy City Attorney

CERTIFICATION OF RESOLUTION AND ORDER CLOSING STREET

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the attached Resolution and Street Closing Order was adopted at a regular meeting of the City Council held on February 6, 2024, and that said Resolution and Street Closing Order is in full force and effect.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

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

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

Notary Public

My Commission Expires: _____

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Mike Kirby, Senior Planner

Date: January 25th, 2024

Re: Consideration of Rezoning Petition 24-02

REQUEST

Conduct a public hearing to consider Rezoning Petition 24-02.

BACKGROUND

A petition has been submitted requesting to rezone the subject properties from Low Density Residential (R-1) and Commercial Corridor (CC-2) designation to Planned Development (PD). The property is located on Hwy 127 South, between Moss Farm Road and Nello Drive.

ANALYSIS

The subject property is currently zoned R-1 Residential and totals +/- 29.59 acres in total size. The current R-1 zoning district is primarily residential and permits one and two-family residential uses at a density of two (2) dwelling units per acre. Commercial Corridor (CC-2) is primarily non-residential in nature but does allow for up to thirty (30) units per acre for residential development.

The requested Planned Development is proposed to be residential in nature. The development on the newly acquired parcels would consist of 198 single-family residential units. These will consist of 118 single family detached homes and 80 townhomes. The development will include 2 outparcels along Hwy 127 for future non-residential development.

RECOMMENDATION

The Hickory Regional Planning Commission conducted a public hearing on January 24, 2024, to consider the petition. During the public hearing, two (2) people spoke in favor of the rezoning, with approximately twenty-one (21) speaking in opposition of the rezoning.

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 (6-1) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

CITIZEN INPUT

As of January 25, 2024, staff has received fifteen (15) inquiries from citizens regarding this petition. After staff conversation, citizens stated that they may or may not attend the meeting.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier *BMF*
Initiating Department Head
Date 01/25/2024

Anita M. Dula
Deputy City Attorney, A. Dula
Date 1-30-24

Rodney Miller
Asst. City Manager, R. Miller
Date 1/30/24

Rob Deery
Asst. City Manager R. Beasley
Date 1/30/24

Melvin Miller
Finance Officer, M. Miller
Date 1/30/24

Cameron McHargue
Deputy Finance Officer,
Cameron McHargue
Date

Yaldee Fox
Asst City Manager, Yaldee Fox
Date 1/30/24

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

W. Wood
City Manager, W. Wood

Date 1/31/24

**CITY OF HICKORY
APPLICATION FOR REZONING
(PLANNED DEVELOPMENT OR CONDITIONAL ZONING DISTRICT)**

DATE SUBMITTED: 12-29-23

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

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

1. The property proposed to be rezoned is located on NC Hwy 127 Hickory NC between Moss Farm Road and Bethel Church Rd (SR# 1176).

PIN NO. (S): 4 Parcels - 279118423423, 279114420860, 279114429844, 279114429883

Physical (Street) Address: S. NC Hwy 127 Hickory NC

2. The property is owned by: (please print) GTC Investments Properties, LLC

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: GTC Investments Properties, LLC

Address: 1630 Via Bianca, Punta Gorda, Florida 33950

Phone Number: * 704-367-9760

Email Address: * gwilliams@ccwdevelopment.com

3. The petition is submitted by: * Gregory Williams

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

*Agent Information:

Name: Gregory Williams

Address: 2805 Walkup Ave. Monroe NC 28110

Phone Number: 704-363-9760

4. It is desired and requested that the foregoing property be REZONED:
FROM: CC-2 & R-1 TO: PD (Planned Development)
5. Please list any overlay districts that apply to the subject property: N/A
6. Please list the current use(s) of the property: Vacant
7. Specify the acreage of the proposed development: 29.59
8. Specify the intensity (gross square footage) and/or density (size and number of dwelling units) of the proposed development: 198 dwelling units Total (118 Single Family & 80 Townhomes)

Additional Required information

Planned Development Districts

A Planned Development Master Land Use Plan must be submitted as part of all petitions to rezone to a Planned Development district. Such plan shall include maps and plans for the subject property that depicts the following items if relevant:

1. The name of the proposed Planned Development and the names of the developer and design professionals;
2. Scale, dimensions, date, north arrow;
3. Conceptual grading, site preparation and stormwater management;
4. General location, height, number of stories, floor area, orientation, setbacks and proposed land-uses of all structures;
5. Building elevations of all proposed buildings;
6. Open space (designate public or private), floor area, recreation space and impervious surface area necessary to demonstrate conformance with applicable requirements;
7. Landscaping and buffering;
8. Any proposed property subdivision, including proposed future property lines;
9. Primary vehicular and pedestrian circulation system including all proposed exclusive storage bays, turn lanes, vehicular and pedestrian cross access points, points of ingress and egress for principal pedestrian, vehicle, bicycle, and transit;
10. Proposed street layout (both public or private);
11. Location of all parking, loading, sanitation and recycling facilities; area and number of parking spaces in parking lots;
12. Location, character and intensity of all proposed outdoor lighting fixtures;
13. Location of all utility systems;

14. Location, height, dimensions and type of all signs; and

15. Locally or nationally recognized historic structures.

Conditional Zoning Districts

Conditional Zoning can be applied in conjunction with any base zoning district. Applicants petitioning to rezone to a conditional zoning district must meet all the requirements of the underlying zoning district. All applicants must include a list of additional conditions to be placed upon the subject property with their application. Depending on the complexity of the conditions proposed, a site plan similar to the Master Land Use Plan described above may be required.

9. ✗ OWNER'S AFFIDAVIT

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

Gregory Williams
Printed Name of Owner or Agent

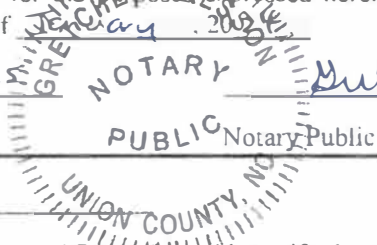
Gregory Williams
Signature of Owner or Agent

(Please choose the appropriate notary block)

State of North Carolina – County of Union

✗ I, the undersigned Notary Public of the County and State aforesaid, certify that Gregory Williams personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 3 day of January, 2021.

My Commission Expires: 3-29-2025 Duthe Prusa



✗ State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged the he / she is the _____ of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

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

Owner's Affidavit

To whom it may concern, I authorize Gregory Williams with CC&W Development Group, LLC to serve as my agent for the rezone of the property I own, Tax Parcel's numbers: 279118423423; 279114420860; 279114429844 & 279114429833 from its current designation

of R-1 and CC-2 to Planned Development, (PD), per the Hickory, NC zoning ordinance.

By: [Signature] Managing member

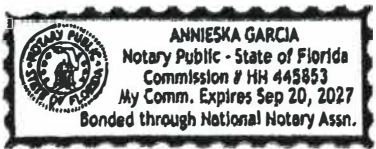
GTC Investment Properties, LLC.
1630 Via Bianca
Punta Gorda, FL 33950-5213
Date: 1-3-2024

State of Florida - County of Charlotte

I, the undersigned Notary Public of the County and State aforesaid, certify that Spanno P. Swenfort personally came before me this day an acknowledged that he/she is the Managing member of GTC Investment Properties LLC limited liability corporation and that by authority duly given and as the act of such entity he/she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 3rd day of January, 2024.

My Commission Expires: Sep 20, 2027 [Signature]

Notary Public





LIMITED LIABILITY COMPANY ANNUAL REPORT

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

SECRETARY OF STATE ID NUMBER: 1495790 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only
E - Filed Annual Report
1495790
CA202306500834
3/6/2023 09:00
Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Davenport, Dianne C.

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

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS
3035 2nd Street NW 3035 2nd Street NW
Hickory, NC 28601 Catawba County Hickory, NC 28601

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate Investment

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 231-2362 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
1630 Via Bianca 1630 Via Bianca
Punta Gorda, FL 33950 Punta Gorda, FL 33950

6. Select one of the following if applicable. (Optional see instructions)
The company is a veteran-owned small business
The company is a service-disabled veteran-owned small business

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

NAME: Joseph Condeelis NAME: Dianne C. Davenport NAME: Rosemary C. Penland
TITLE: Member TITLE: Managing Member TITLE: Member
ADDRESS: ADDRESS: ADDRESS:
3035 2nd Street NW 1630 Via Bianca 11120 Bennett Dr. Unit #111
Hickory, NC 28601 Punta Gorda, FL 33950 Bradenton, FL 34211

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

Dianne C. Davenport 3/6/2023
SIGNATURE DATE

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

Dianne C. Davenport Managing Member
Print or Type Name of Company Official Print or Type Title of Company Official

This Annual Report has been filed electronically.
MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525



KARSYN RIDGE 3181 S. NC 127 HWY HICKORY, NC

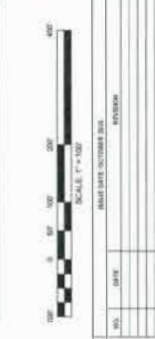
PRELIMINARY PLANNED
SINGLE FAMILY HOMES &
TOWN HOMES DEVELOPMENT
MASTER SITE PLAN
DECEMBER 28, 2023



GENERAL NOTES:

1. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND THE STATE OF NORTH CAROLINA.
2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND THE STATE OF NORTH CAROLINA.
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- GENERAL SITE NOTES:**
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 25. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND THE STATE OF NORTH CAROLINA.



BUILDING LIMIT TOTALS

AREA F (FAMILY RESIDENTIAL) SHALL BE LIMITED BY THE FOLLOWING DIMENSIONS:

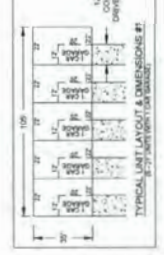
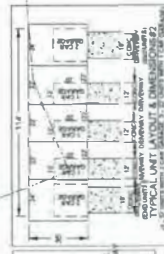
- 1. MAXIMUM BUILDING HEIGHT SHALL BE 12 FEET.
- 2. MAXIMUM BUILDING FOOTPRINT SHALL BE 3,000 SQ. FT.
- 3. MAXIMUM BUILDING SETBACK SHALL BE 5 FEET FROM ALL SIDES.
- 4. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM FRONT YARD.
- 5. MAXIMUM BUILDING SETBACK SHALL BE 15 FEET FROM REAR YARD.
- 6. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM SIDE YARD.
- 7. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM CORNER.
- 8. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM DRIVEWAY.
- 9. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM UTILITY LINES.
- 10. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM FENCE LINE.
- 11. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM ADJACENT PROPERTY.
- 12. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM PUBLIC RIGHT-OF-WAY.
- 13. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM WATER MAIN.
- 14. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM SEWER MAIN.
- 15. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM GAS MAIN.
- 16. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM TELEPHONE LINES.
- 17. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM CABLE LINES.
- 18. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM POWER LINES.
- 19. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM FLOOD ZONE.
- 20. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM EROSION CONTROL.
- 21. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM LANDSCAPING.
- 22. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM TREES.
- 23. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM SHRUBS.
- 24. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM GRASS.
- 25. MAXIMUM BUILDING SETBACK SHALL BE 10 FEET FROM SOIL.



OUTPARCEL DATA

OUTPARCEL #1 - 0.5 AC. OF LAND WITH EXISTING RESIDENCE AND ACCESS TO INTERNAL DRIVEWAY.

OUTPARCEL #2 - 0.5 AC. OF LAND WITH EXISTING RESIDENCE AND ACCESS TO INTERNAL DRIVEWAY.



REZONING ANALYSIS

PETITION: Rezoning 24-02

APPLICANT: Gregory Williams

OWNER: GTC Investment Properties, LLC

PROPERTY LOCATION: Hwy 127 South, between Moss Farm Road and Nello Drive.

PINs: 2791-18-42-3423, 2791-14-20-0860, 2791-14-42-9844, 2791-14-42-9883

WARD: The subject properties are located in Ward 4 (Councilman Freeman).

ACREAGE: Approximately 29.59 acres

REQUESTED ACTION: The applicant has submitted a petition requesting to rezone the subject properties from Low Density Residential (R-1) and Commercial Corridor (CC-2) designation to Planned Development (PD).

The requested Planned Development is proposed to be residential in nature. The development on the newly acquired parcels would consist of 198 single-family residential units. The development will include 2 outparcels for future non-residential development.

DEVELOPMENT POTENTIAL: The current residential (R-1) zoning assigned to the property allows for primarily residential uses. As currently zoned, the subject properties could theoretically yield up to 59 dwelling units. It should be understood these numbers are a theoretical maximum, and other regulatory requirements for building setbacks, parking, buffering, natural features, and similar items could substantially decrease this maximum intensity. It should also be noted that the R-1 zoning district has a maximum height limitation of 35 feet, therefore any new structures could not exceed three (3) stories. Commercial Corridor (CC-2) allows for up to thirty (30) units per acre for residential development.

BACKGROUND: The applicant has submitted a petition requesting the properties be rezoned to Planned Development (PD). The master plans, and supplemental documentation, provided as part of the petition depicts the development as being single-family in nature.

The plans depict the properties as consisting of 198 single family residential units which consist of 118 single family detached lots and 80 townhomes. In total, the proposed development would have a density of roughly 6.7 units per acre when considered with the entire project density. Hickory's Land Development Code (Section 5.1) permits single-family planned developments at a maximum density of 20 units per acre. The development is proposed to be approximately a third of what would normally be permissible. There are two proposed outparcels for future non-residential development that total approximately 1.57 acres. The development will include an amenity area with open space, dog park, and mailbox cluster area. (**See Example 1**)

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan* and the stated Purpose and Intent of this Land Development Code **(Please refer to Map 1 for more detail)**;

The area in which the subject properties are located is classified as low density residential and commercial corridor by the Hickory by Choice 2030 Comprehensive Plan. The low residential and commercial corridor future land use classifications are discussed on pages 25 and 26 of the comprehensive plan. In summary, these classifications consist of areas found to be suitable for varied levels of residential and commercial development.

Within the Goals and Policies section of Chapter 3 of the comprehensive plan a number of goals and policies are provided that address development. A brief explanation of the goals, and how the development proposal fits in with the goals is provided below.

- *Goal 1 discusses the expectation new development will “fit in”. The subject properties are located within a somewhat rural environment with mainly single-family homes. The proposed development would continue this pattern.*
- *Goal 2 indicates neighborhoods should be designed to provide pedestrian access to daily services. The proposed development is within a short distance of larger shopping areas along Hwy 127. While walking to these areas may not be ideal, their close proximity would reduce cross-town commutes for goods and services.*
- *Goal 3 references the need to provide balance between development and open spaces. The development proposal shows approximately 2 acres of the development’s total area as being set aside as open space. Much of this open space is located in the center of the project site, and could be utilized by residents as areas for passive recreation, as well as a dog park.*
- *Goal 4 discusses the locations of industrial uses. Being the development is absent of industrial uses, this goal would not pertain to the development proposal.*
- *Goal 5 is very similar to Goal 2, but goes further in outlining the need to promote mixed use areas that provide convenient access to amenities and employment areas. As previously outlined the location of the subject properties provide access to amenities (retail and services), as well as close proximity to employment areas.*
- *Goal 6 relates to citizen participation in planning. With the project falling under the Planned Development process, which requires notices and hearing; the public will be afforded the opportunity to provide input regarding the proposal.*

In evaluating the development proposal with the goals outlined within the Hickory by Choice 2030 Plan staff feels the request is consistent with the 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 applicant has provided a planned development master plan for the subject properties. The plan and its consistency with the comprehensive plan were discussed on this report's prior pages, and was found to be consistent with the comprehensive plan.

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

Any and 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 resource and governmental expenditures;

The subject properties are located directly off Hwy 127, which is a major thoroughfare in the southern part of Hickory. The portion of the corridor that lies within Hickory is largely urbanized and commercial in nature. Public utilities (water and sewer) are also located along Hwy 127. Any future development that occurs on the properties will be evaluated as to what impacts, if any, will be placed upon nearby public infrastructure. The owner and/or developer of the properties will be required to cover any financial costs needed for any required infrastructure improvements identified through the evaluation process.

- Regulate the type and intensity of development; and

This Hickory Land Development Code regulates the type and intensity of development that is located on the subject properties. If the request is approved, the planned development master plan submitted as part of the petition will serve as the document that guides development on the properties. Additionally, construction plans for the properties, once received, will be reviewed in light of the regulations contained within the Hickory Land Development Code.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on 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 for the patrons of the subject properties, as well as the residents of the surrounding area.

2. Existing land uses within the general vicinity of the subject properties (**Please refer to Map 2 for more detail**):

North: *The properties to the north are occupied by single family residences;*

South: *The properties to the south are retail businesses;*

East: *The properties to the east are occupied by retail businesses; and*

West: *The properties to the west are vacant land.*

3. The zoning classification of property within the general vicinity of the subject properties **(Please refer to Map 3 for more detail):**

North: *The properties to the north are zoned (R-20) Residential by Catawba County;*

South: *The properties to the south are zoned Highway Commercial (HC) by Catawba County.*

East: *The properties to the east are zoned (R-20) Residential and Highway Commercial (HC) by Catawba County; and*

West: *The properties to the west are (R-20) Residential by Catawba County and CC-2.*

4. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current residential (R-1) zoning assigned to the property allow for primarily residential uses. Commercial Corridor (CC-2) is primarily non-residential uses.

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

Any rezoning has the potential to detrimentally impact properties in the general vicinity. Through proper site planning, buffering, and screening, as required by the City's Land Development Code, any real or perceived detrimental impacts could be mitigated to maximum extent practical.

6. 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 or will be in place to service the properties. These include public utilities, transportation infrastructure, as well as police and fire protection.

Hwy 127 is operated and maintained by the NCDOT. Any improvements required by NCDOT will be required to be put in place during the construction, or its phases(s).

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

The properties in question are located within an area where the City's comprehensive plan anticipates as being more urbanized and mixed use in nature. Any future development that occurs of the subject properties will be guided by the planned development master plan. Additionally, all development activities on the subject properties will required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

RECOMMENDED ACTION:

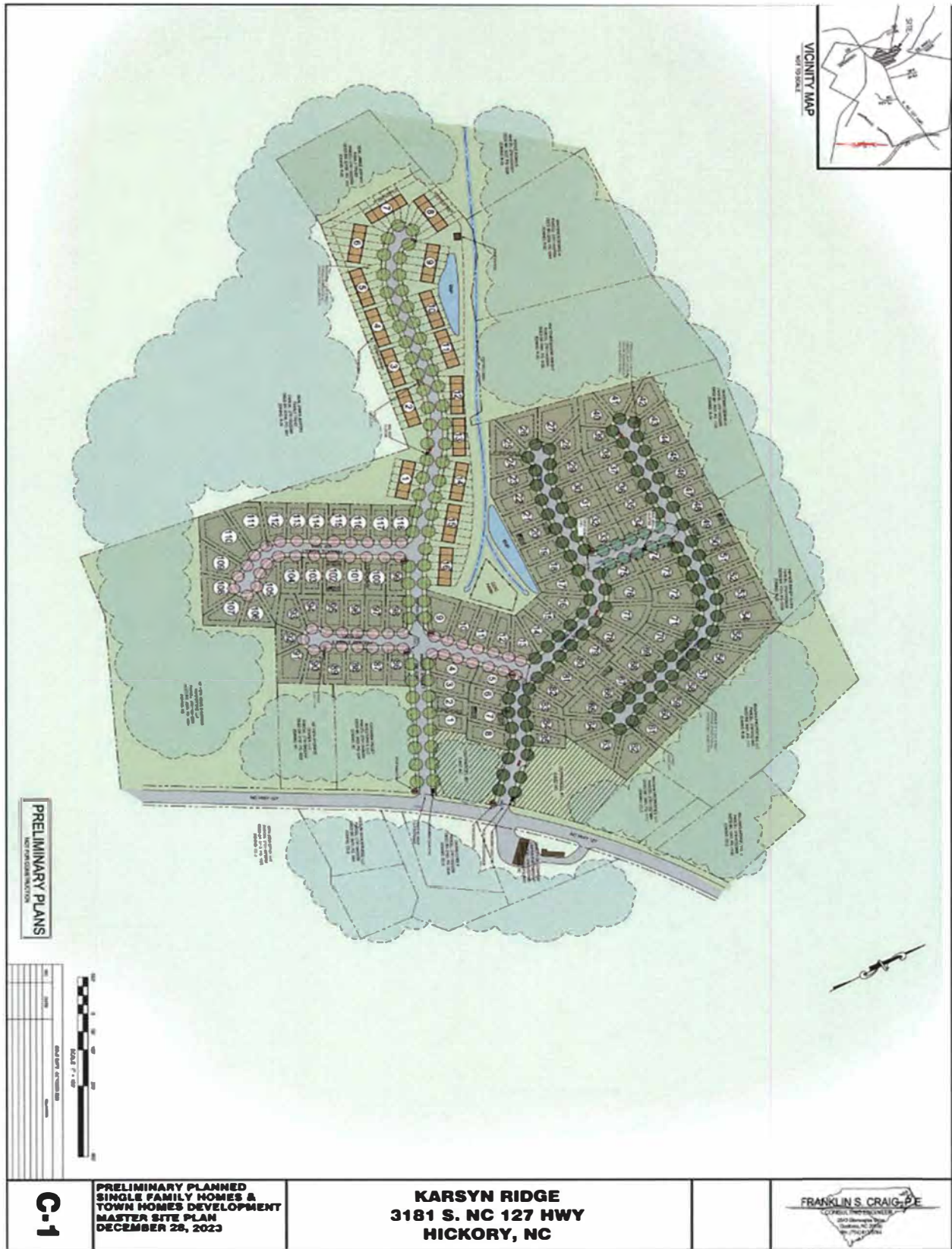
Staff finds Rezoning Petition 24-02 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

The Hickory Regional Planning Commission conducted a public hearing on January 24, 2024, to consider the petition. During the public hearing, two (2) people spoke in favor of the rezoning, with approximately twenty-one (21) speaking in opposition of the rezoning.

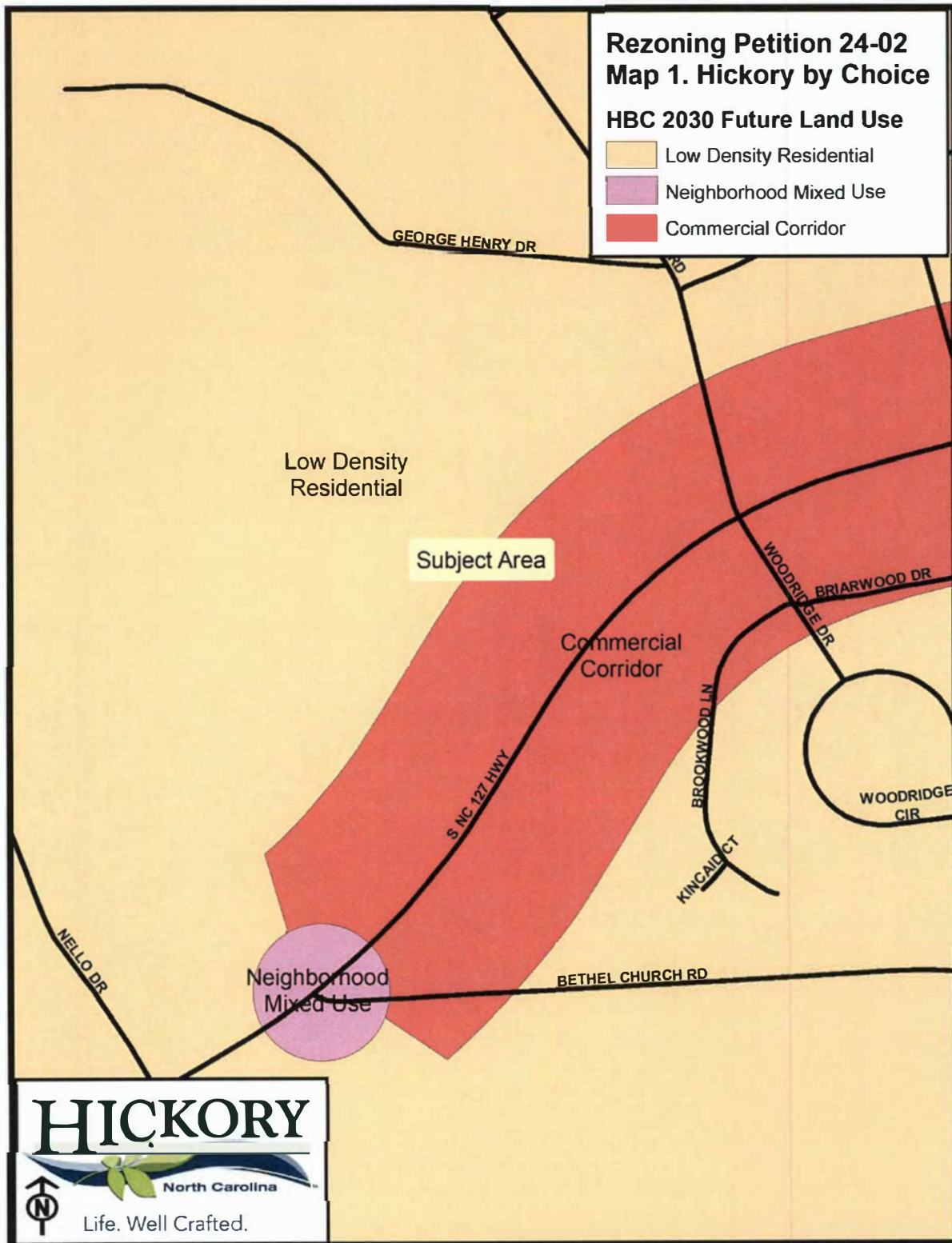
Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted (6-1) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission

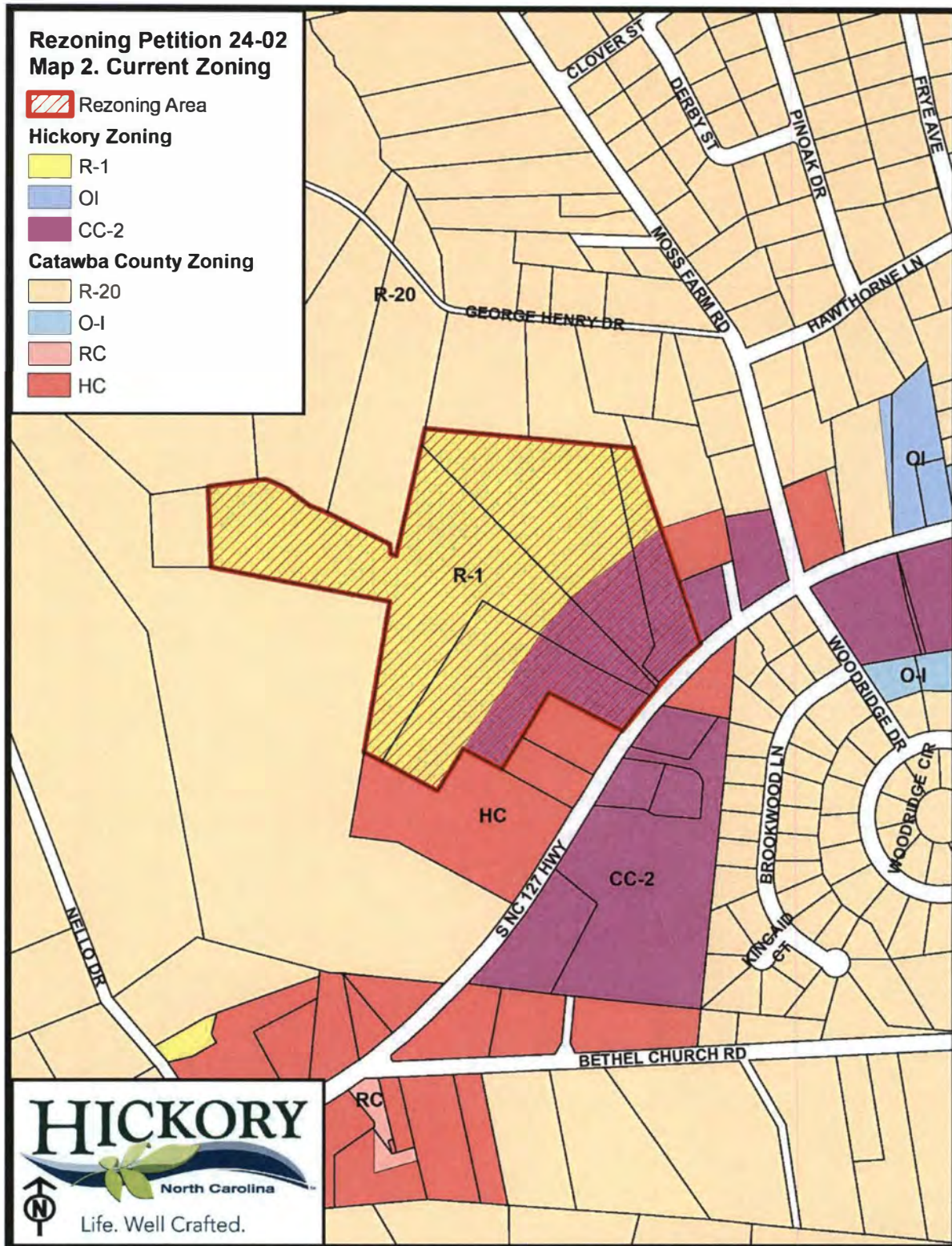
CITIZEN INPUT:

As of January 25, 2024, staff has received fifteen (15) inquiries from citizens regarding this petition. After staff conversation, citizens stated that they may or may not attend the meeting.



Example 1







ORDINANCE NO. _____

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 29.59 ACRES OF PROPERTY LOCATED ON Hwy 127 South, between Moss Farm Road and Nello Drive, FROM LOW DENSITY RESIDENTIAL (R-1) TO PLANNED DEVELOPMENT (PD).

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 +/- 29.59 acres of property located at Hwy 127 South, between Moss Farm Road and Nello Drive, more particularly described on **Exhibit A** attached hereto, to allow a Planned Development (PD) district; and

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

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

WHEREAS, the City Council has found Petition 24-02 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 property is located on Hwy 127 South, between Moss Farm Road and Nello Drive, and identified as PIN 2791-18-42-3423, 2791-14-20-0860, 2791-14-42-9844, 2791-14-42-9883.
- 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.

Ordinance NO. _____

Hickory City Council

Page 1 of 6

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. The vicinity in which the subject properties are located is classified as low density residential and commercial corridor by the Hickory by Choice 2030 Comprehensive Plan.

Given these factors, the rezoning of the property to Planned Development (PD) should be considered 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 applicant has provided a planned development master plan for the subject properties. The plan was found to be consistent with the comprehensive plan.

- 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 resource and governmental expenditures.

The subject properties are located directly off Hwy 127, which is a major thoroughfare in the southern part of Hickory. The portion of the corridor that lies within Hickory is largely urbanized and commercial in nature. Public utilities (water and sewer) are also located along Hwy 127. Any future development that occurs on the properties will be evaluated as to what impacts, if any, will be placed upon nearby public infrastructure. The owner and/or developer of the properties will be required to cover any financial costs needed for any required infrastructure improvements identified through the evaluation process.

- Regulate the type and intensity of development; and

This Hickory Land Development Code regulates the type and intensity of development that is located on the subject properties. If the request is approved, the planned development master plan submitted as part of the petition will serve as the document that guides development on the properties. Additionally, construction plans for the properties, once

Ordinance NO. _____

Hickory City Council

Page 2 of 6

received, will be reviewed in light of the regulations contained within the Hickory Land Development Code.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the subject properties shall 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 residential (R-1) zoning assigned to the property allows for primarily residential uses.

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

Any rezoning has the potential to detrimentally impact properties in the general vicinity. Through proper site planning, buffering, and screening, as required by the City's Land Development Code, any real or perceived detrimental impacts could be mitigated to maximum extent practical.

- 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 or will be in place to service the properties. These include public utilities, transportation infrastructure, as well as police and fire protection.

Hwy 127 is operated and maintained by the NCDOT. Any improvements required by NCDOT will be required to be put in place during the construction, or its phases(s).

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

The properties in question are located within an area where the City's comprehensive plan anticipates as being more urbanized and mixed use in nature. Any future development that occurs of the subject properties will be guided by the planned development master plan. Additionally, all development activities on the subject properties will required to be adhere to

Ordinance NO. _____

Hickory City Council

Page 3 of 6

regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-02 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.

ORDAINED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2024.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this ____ day of _____, 2024.

Attorney for the City of Hickory

Ordinance NO. _____
Hickory City Council
Page 4 of 6



Exhibit B



Ordinance NO. _____
Hickory City Council
Page 6 of 6