

# **A G E N D A**

## **HICKORY CITY COUNCIL**

**March 19, 2024**



**6:00 p.m.**



**AGENDA**  
[www.hickorync.gov](http://www.hickorync.gov)

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

Hickory City Council  
76 North Center Street

March 19, 2024  
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Charles Kyker, Christ United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of March 5, 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 16. **(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. Notification of Unpaid Delinquent Tax Amounts for the Current Fiscal Year in the City of Hickory Limits of Caldwell and Burke County, Real, Personal, and Business Property Taxes and Approval to Advertise Attempting to Collect the Outstanding Taxes. **(Exhibit VIII.A.)**

*North Carolina General Statute 105.369(a) mandates that the Tax Collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". 2023 Caldwell County real property taxes total \$6,711.88; Burke County real property taxes \$1,277.16, personal property taxes \$650.65, and business personal property taxes \$10,094.42, Total of \$12,022.23. A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. North Carolina General Statute 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector*

*must provide written notice to the affected taxpayers with the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an “automatic stay” immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed the City Council of the unpaid tax amounts for the current fiscal year. It is recommended that the City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record to attempt collecting the outstanding taxes.*

- B. Approval of the Issuance of Pyrotechnic Display Permits to Pyro Shows Inc. for Firework Displays at the Hickory Crawdads Stadium. **(Exhibit VIII.B.)**

*Staff requests approval to issue pyrotechnic display permits to Pyro Shows Inc. for fireworks displays at the Hickory Crawdads stadium. Douglas Locascio, General Manager of the Hickory Crawdads, submitted a request to obtain permission to conduct public fireworks displays on the following dates: April 12, April 26, May 17, May 24, May 26, June 7, June 21, July 3, July 19, July 26, August 9, August 23, and September 6, 2024. The following would be rain dates: April 13, April 27, May 18, May 25, June 8, June 22, July 20, July 27, August 10, August 24, and September 7, 2024. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm’s (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommend approval of the above pyrotechnics displays.*

- C. Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 304.39-Acres Located at 2319 6<sup>th</sup> Street SE, PIN 3711-13-03-6026, Owned by the State of North Carolina. **(Authorize Public Hearing for April 2, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**

- D. Approval of Applying for up to \$850,000 through the NC Department of Commerce’s Rural Downtown Economic Development Program. **(Exhibit VIII.D.)**

*Staff requests approval to apply for up to \$850,000 through the NC Department of Commerce’s Rural Downtown Economic Development Program. The North Carolina Department of Commerce recently advertised a program to provide grant funding for economic development. Since Hickory is located within a tier 2 County, as defined by the NC Department of Commerce, the City is eligible to apply for up to \$850,000 in funding for improvements to the downtown area. The program provides funding for streetscape improvements and other downtown development projects. Staff proposes applying for funding to upgrade the streetscapes on Government Avenue from 1<sup>st</sup> Street SW and 3<sup>rd</sup> Street SW and 1<sup>st</sup> Avenue NW between North Center Street at 2<sup>nd</sup> Street NW. These upgrades will include bulb-outs, improved outdoor spaces, and lighting to match the existing streetscapes in the downtown area. The grant requires a 5 percent match from the City of Hickory. The exact amount of the application will be determined by the preliminary estimate for the project in accordance with program guidelines. Staff recommends the Council authorize the City Manager to apply and execute all documents related to the grant application.*

- E. Approval of a Community Appearance Grant for Non-Residential Property owned by Marshall Kim Harkins, Located at 266 1<sup>st</sup> Avenue NW in the Amount of \$7,500. **(Exhibit VIII.E.)**

*The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Marshall Kim Harkins and occupied by a commercial building, located at 266 1<sup>st</sup> Avenue NW in the amount of \$7,500. The City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to the City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's awnings and stonework, the entrance steps, window replacement, and improvements to an entrance door. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant has provided two estimates for the work listed above, the lowest estimates for the work totals \$14,145. If the Council moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500 grant. The subject property's current tax value is assessed at \$276,100. The requested grant amounts to 2% of the property's tax value. The application was reviewed by the Community Appearance Commission and unanimously recommends funding of the grant application in the amount of \$7,500.*

- F. Approval of a Loan Settlement with Triple Crown Investments in the Amount of \$18,000 to Satisfy an Outstanding Lien for a CDBG Housing Rehabilitation Loan in the Amount of \$28,568.86 for Property Located at 518 1<sup>st</sup> Avenue SE. **(Exhibit VIII.F.)**

*Staff requests Council's approval of a CDBG (Community Development Block Grant) loan settlement of \$18,000 for 518 1<sup>st</sup> Avenue SE. The home at 518 1<sup>st</sup> Avenue SE has been vacant for approximately seven years and has an older Community Development loan balance of \$28,568.86. It has delinquent property taxes dating back to 2009 in the amount of \$21,031.08. The remaining balance on the CDBG loan as of March 7, 2024, is \$28,568.86. Triple Crown Investments has made an offer to settle this debt with a payment to the City of Hickory in the amount of \$18,000 and this has been approved by the Citizen's Advisory Committee. Staff recommends approval of a loan settlement with Triple Crown Investments in the amount of \$18,000 to satisfy the outstanding lien for CDBG Housing Rehabilitation Loan in the amount of \$28,568.86 for the property at 518 1<sup>st</sup> Avenue SE.*

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

*The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens' Advisory Committee at their regular meeting on March 7, 2024:*

- *Debora Jenkins, 2013 13<sup>th</sup> Avenue NE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*
- *Betty Clark, 264 5<sup>th</sup> Avenue SW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for assistance due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.*
- *Maria Lira, 134 40<sup>th</sup> Avenue Place NW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee*

*declined the applicant for approval due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.*

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

- H. Approval of the Arbor Day Proclamation for April 27, 2024. **(Exhibit VIII.H.)**
- I. Budget Revision Number 17. **(Exhibit VIII.I.)**
  - 1. *To appropriate a total of \$12,908 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*
  - 2. *To appropriate \$550,000 in Water & Sewer Fund Balance to cover half of the cost of an acquisition of 13.37 acres to be used for watershed protection.*
  - 3. *To appropriate \$500,000 in Water & Sewer Fund Balance to account for its cost share of the Munis Tyler Technologies Project. \$500,000 will be sent back to General Fund Balance to reimburse the General Fund.*
  - 4. *To return \$1,401 in remaining funds from the Ridgeview Library Expansion Project to General Fund Balance and close out the project.*
- IX. Items Removed from Consent Agenda
- X. Informational Item
- XI. New Business
  - A. Public Hearings
    - 1. Consideration of Rezoning Petition 24-03 for Property Located at the Southeast Corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.1.)**

*Staff requests consideration of Rezoning Petition 24-03 as requested by Shilpababen and Pravinkumar Patel for rezoning of 2.76 acres of property located at the southeast corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial. The current R-3 Residential district allows residential uses (single, two family and multifamily) at maximum density of 8 dwelling units per acre for single-family and 10 units per acre for multifamily. Under the current zoning the properties could theoretically yield up to 27 new dwelling units. The requested NC Neighborhood Commercial district allows residential, office, retail, and mixed-use development. Residential density is permissible up to 30 units per acre, while non-residential development is permissible up to a floor area ratio of 2:1. These intensities could theoretically produce up to 83 new dwellings or over 100,000 square feet of non-residential or mixed-use development. However, design constraints would reduce the stated maximums. The Hickory Regional Planning Commission conducted a public hearing on February 28, 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 and voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.*

*The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 9 and 16, 2024.*
    - 2. Consideration of the Voluntary Contiguous Annexation of 11.147-Acres Located at 2536 Startown Road, PIN 3721-1950-9129, Owned by Matthew Varney, and wife Yer Vang – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.2.)**

Consideration of the voluntary contiguous annexation of 11.147 acres of property located at 2536 Startown Road, identified as PIN 372119509129. The property is currently occupied by a single-family residence and located within the jurisdiction of Catawba County, zoned Catawba County R-20 Residential. If annexed the owner has requested the property be zoned R-2 Residential. The property owner desires to connect the property to the city sewer service, which requires annexation. The property could potentially be the location of a new residential subdivision. The current tax value of the property is \$376,400. If annexed, the vacant property would generate \$1,712.62 in additional tax revenues. Upon analysis, staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 9, 2024.

3. Consideration of Rezoning Petition 24-04 for Property Located at 2536 Startown Road, Containing 11.147-Acres from Catawba County R-20 Residential to City of Hickory R-2 Residential – Presentation by Planning Manager Cal Overby. **(Exhibit XI.A.3.)**

Staff requests consideration of Rezoning Petition 24-04 as requested by Piedmont Companies, Inc., agents for Matthew Varney and Yer Vang for the consideration of rezoning of 11.147 acres of property located at 2536 Startown Road from Catawba County R-20 Residential to City of Hickory R-2 Residential. The property is currently occupied by a single-family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property subdivision could theoretically create up to 23 dwellings. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings. The Hickory Regional Planning Commission conducted a public hearing on February 28, 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 and voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 9 and 16, 2024.

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)  
Caucasian (Council Appoints) Cliff Moone Resigned  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)

VACANT  
VACANT  
VACANT  
VACANT

Mayor Guess to Nominate Amira Sago as an Other Minority Representative on the Community Relations Council.

**HICKORY REGIONAL PLANNING COMMISSION**

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

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

**HISTORIC PRESERVATION COMMISSION**

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

Historic Properties Owner (Council Appoints) VACANT

Building Trades Profession (Council Appoints) VACANT

**PUBLIC ART COMMISSION**

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

Ward 1 (Wood Appoints) VACANT

Ward 6 (Patton Appoints) Clise Plant Resigned 3-13-2024 VACANT

**RECYCLING ADVISORY BOARD**

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

Ward 4 (Freeman Appoints) VACANT

Ward 6 (Patton Appoints) VACANT

At-Large (Council 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**



+A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, March 5, 2024, at 6:00 p.m., with the following members present:

Tony Wood Charlotte C. Williams Danny Seaver	Hank Guess  Aldermen	Anthony Freeman David P. Zagaroli Jill Patton
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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, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present with the arrival of Alderman Seaver at 6:02 p.m.
- II. Invocation by Reverend Cassandra Rawls, Hartzell Memorial United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard

- A. Mr. Michael Anise, 2764 Pleasant Road, Fort Mill, SC 29708, to Discuss Denial of Replacing a Mobile Home due to a Zoning Ordinance.

Mr. Michael Anise, 2764 Pleasant Road, Fort Mill, SC, advised he owns a manufactured housing property in Hickory. His company owned about 3,000 manufactured housing homesites throughout the States of North Carolina, South Carolina, and Virginia. Their mission was to preserve and improve affordable housing for folks. He was extremely disappointed by Council's actions, and decisions to pass a law not allowing himself or other community owners to put a mobile home on a vacant lot that had been vacant for more than 60 days. They have a mobile home community in Hickory that had a vacant lot. He had a homeowner that wanted to buy a brand-new home from a home dealership and put that home on his property at the mobile home park. They were denied the permit because there was some law that was passed in December of 2023, just a couple of months ago, prohibiting the infill of any vacant lots. He did not think that was right. He did not think that it was fair. He thought they were doing an injustice and a disservice to the citizens by pushing out affordable housing. This was not what their mission should be about. There were a lot of hardworking folks that could not afford rent these days and there was limited affordable housing in their area as many other cities throughout the US. He was calling on Council to please allow either him a variance to fill his empty vacant lot or at least send a proper notice and allow folks the opportunity to fill in their vacant lot instead of just surprising them with this law. It had taken revenues away from his property. As a property owner, he had bought and invested in this town, and this had taken away affordable housing from folks that really needed it. He did not understand, why on God's green earth, they would approve something like that. What was the real motivation behind it when everyone was crying for affordable housing, and they were trying to take that away from folks. He was told they could not respond to him, whatever, he was letting them know his peace of mind, and he was sure a lot of mobile homeowners throughout the State and the Country would feel the same way. It was not fair they were trying to push out manufactured housing properties. They were trying to change the stigma by doing it right. They were professionally managing those communities, doing background checks on folks. His next step was to have his corporate attorney deal with the City Council's attorney to see if there was something that could be done about this unfairness.

Mayor Guess thanked Mr. Anise and advised he was welcome to make an appointment to see someone on staff in the Planning Commission, or their attorney or any of Council would make themselves available if he would like to have a conversation.

Mr. Anise commented that would be great. He inquired where to make the appointment.

Mayor Guess advised he could contact any of the Council and all their staff's numbers and emails were available on the website.

Mr. Anise thanked the Council.

Mayor Guess asked if there was anyone else that would like to address the Council. No one appeared.

- VI. Approval of Minutes

- A. Regular Meeting of February 20, 2024.

Alderwoman Patton moved, seconded by Alderwoman Williams that the Minutes of February 20, 2024, be approved. The motion carried unanimously.

March 5, 2024

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.

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

- A. Approval of the Implementation of a Speed Limit Reduction to 25 mph along 5<sup>th</sup> Avenue NE between Main Avenue NE and 5<sup>th</sup> Avenue Place NE, and along 4<sup>th</sup> Street NE between 5<sup>th</sup> Avenue NE and 5<sup>th</sup> Avenue Place NE, and along 7<sup>th</sup> Street NE between 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Avenue NE. (First Reading Vote: Unanimous)
- B. Revised Budget Revision Number 14. (First Reading Vote: Unanimous)
- C. Budget Revision Number 15. (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. Called for a Public Hearing to Consider the Voluntary Contiguous Annexation of 11.147-Acres Located at 2536 Startown Road, PIN 3721-1950-9129, Owned by Matthew Varney, and wife Yer Vang. (Authorized Public Hearing for March 19, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-07

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Matthew Varney and wife Yer Vang requesting annexation of an area described in a petition was received on February 12, 2024, by the City Council of the City of Hickory; and

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

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

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

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

CERTIFICATE OF SUFFICIENCY

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

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

Property of Matthew Varney and wife Yer Vang, containing 11.147-acres more or less, located at 2536 Startown Road, Newton, NC, and identified as PIN 3721-1950-9129.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 13<sup>th</sup> day of February, 2024.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-08

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on March 19, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:  
  
Property of Matthew Varney and wife Yer Vang, containing 11.147-acres more or less, located at 2536 Startown Road, Newton, and identified as PIN 3721-1950-9129.

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

RESOLUTION NO. 24-09

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY MATTHEW VARNEY AND WIFE YER VANG AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Matthew Varney and wife Yer Vang are the owners of certain real property as described herein, which property is located at 2536 Startown Road, Newton, NC and identified as PIN 3721-1950-9129, containing 11.147-acres more or less; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 5<sup>th</sup> day of March, 2024, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

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

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on March 19, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled Matthew Varney and Yer Vang, Voluntary Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; Matthew Varney and Yer Vang, Voluntary Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; , Matthew Varney and Yer Vang, Voluntary Contiguous Annexation, Map 3, Aerial Photography, subject property outlined in red.

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

B. Approved a Cemetery Deed Transfer from Harold Dean Proctor and wife, Harriett Smith Proctor, and Rebecca Lea Proctor Ward and husband Richard Sterling Ward, to Rebecca Lea Proctor Ward and husband, Richard Sterling Ward, Oakwood Cemetery, Section 10,

Block F, Lot 1, Containing Eight Grave Sites, 1-8, (Grave Sites 1 and 2 are Occupied). (Prepared by Attorney John G. Fuller).

- C. Approved a Resolution to Declare Surplus 10,438 Discarded Library Items to be Given to the Friends of the Library to be Sold at the Friends “Corner Book Store” at Patrick Beaver Memorial Library and/or Special Book Sales.

The Friends of the Library collect donated books and other materials on an ongoing basis to be sold at seasonal book sales and/or the Corner Book Store, the proceeds from which provide funds for library programming and other special activities. For many years, the library has given the Friends materials that have been removed from the collection because they are out of date, in poor condition, or no longer needed to meet the collection development goals of the library. The sale of donated and discarded books is the primary fundraising activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials. The library requests that discarded library materials be declared surplus and given to the Friends of the Library for their use at the “Corner Book Store” and/or seasonal book sales.

Notice was advertised in a newspaper having general circulation in the Hickory area on February 24, 2024.

RESOLUTION NO. 24-10

A RESOLUTION OF THE HICKORY CITY COUNCIL  
DECLARING SURPLUS LIBRARY MATERIALS AND  
AUTHORIZING DONATION TO THE FRIENDS OF THE LIBRARY

WHEREAS, the Hickory Public Library declares a list of 10,438 discarded library materials which are out of date, in poor condition, or no longer needed to meet the collection development goals of the library; and

WHEREAS, the Library wishes to dispose of said property to The Friends of the Library. Books will be sold at the Friends “Corner Book Store” at Patrick Beaver Memorial Library and/or at special book sales.

WHEREAS, G.S. 160A-280 allows the city to donate to another governmental unit within the United States, or a nonprofit organization incorporated after advertising and Council approval.

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

SECTION 1. That authorization is given to the Hickory Public Library to dispose of the declared surplus in a manner serving the best interest of the City.

SECTION 2. This Resolution shall become effective upon adoption.

- D. Approved on First Reading Budget Revision Number 16

ORDINANCE NO. 24-09  
BUDGET REVISION NUMBER 16

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

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

FUNCTIONAL AREA	INCREASE	DECREASE
Culture & Recreation	5,359	-
Contingency	-	34,000
Other Financing Uses	34,000	-
TOTAL	39,359	34,000

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

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	5,359	-
TOTAL	5,359	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Contingency	-	34,000
Other Financing Uses	34,000	-
TOTAL	34,000	34,000

SECTION 3. To amend the Stormwater Fund within the FY 2023-24 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	68,000	-
TOTAL	68,000	-

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

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	68,000	-
TOTAL	68,000	-

SECTION 4. To amend the CVCC Innovation Center (#700014) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	4,700,000	-
TOTAL	4,700,000	-

To provide funding for the above, the CVCC Innovation Center (#700014) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	3,000,000	-
Miscellaneous	1,700,000	-
TOTAL	4,700,000	-

SECTION 5. To amend the Trivium Corporate Center Project Enzyme (#B1B003) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	-	240,000
TOTAL	-	240,000

To provide funding for the above, the Trivium Corporate Center Project Enzyme (#B1B003) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	-	240,000
TOTAL	-	240,000

SECTION 6. 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. Approved the Updates to the Neighborhood Traffic Calming Program – Presented by Transportation & Engineering Manager, Caroline Kone.

Staff requests Council's approval to update the Neighborhood Traffic Calming Program. City of Hickory Traffic Division staff has updated the Neighborhood Traffic Calming Program policy after receiving comments from citizens and staff that have gone through the current traffic calming process. Traffic Division staff feel that it is time to update the policy that was last updated in January, 2019. The changes to the policy more clearly explain the policy and procedures than the

previous version. Traffic Division staff received comments from citizens who have participated in the current Neighborhood Traffic Calming Program policy. The updated policy has been reviewed by appropriate City of Hickory staff to consider their comments and concerns, including addressing Fire Code Section 503.4.1 which requires traffic calming devices to be approved by a fire code official. Changes to the Neighborhood Traffic Calming Program include, removal of double yellow centerline and/or white edge lines; increased the required pavement width to 35 feet for on-street parking; added a statement allowing other traffic calming measures to be used at the discretion of the Traffic Engineer; changed minimum number of properties in favor of a speed limit reduction to 60%; changed the number of Council readings for measures other than speed limit reductions to one reading; added a statement clarifying that obstructions may be removed to allow proper line-of-sight for traffic calming measures. Staff recommends Council's approval of the updates to the Neighborhood Traffic Calming Program.

City Manager Warren Wood asked the City's Transportation & Engineering Manager, Caroline Kone to the podium to present Council with updates to the Neighborhood Traffic Calming Program.

Transportation & Engineering Manager Caroline Kone gave a PowerPoint presentation. She updated the Council on the Neighborhood Traffic Calming Policy. It had been five years since they updated it last. There had been more research that had come about, and they felt that it was time to update the policy. She explained the traffic calming process. They get the initiating signatures from the citizens. They had to get signatures from themselves and two other neighboring people on their road. It had to be homeowners. Once they get the application, they do their traffic study. That usually took about six to eight weeks, depending on what was already in the queue. Then based on the traffic study, it determined what it qualified for, whether it was speed limit reduction, all-way stop, whatever. Then they send them the petition. They created the petition for them because they determined the study area. It may be just their road, it may be their entire neighborhood, it may be other roads that access their road to get to their house. They have 60 days to get the petition back to them. After that they send it to the City Council. The Council does their thing and lets them know it passed. Then they implement it. If it was something simple like speed limit reduction or stop signs, they usually get those up within two weeks. Oftentimes it was within the same week that it had been approved. Once again, it depended on their current workload and the weather.

Ms. Kone discussed the changes that were made. Their speed limit reduction was the normal, easiest, quickest thing that they could do. And that was their first step when it came to traffic calming. They used to require 75% of the neighbors of the petition to sign. They dropped that down to 60% because they felt like people were more apt to sign something as simple as a speed limit reduction and it would help to get more signatures. They took out the double yellow center line and the white edge lines in neighborhoods. There was new conflicting research, and it did not make sense. Some research said that it makes the driver seem like the road was narrower, so they slow down. Other research showed that it was making the driver feel like this was their lane, and they could go as fast as they want. They knew there was going to be more research that comes out and it was going to still be conflicting, so they just removed that from the policy. The next one was marked on-street parking due to fire code in their planning, they had to increase the width of the pavement to allow for on-street parking. Fire code requires 26 feet clear for fire access routes. The City's Land Development Code stated that on-street parking must be 9 feet wide. They used to have it be 24 feet wide from face to curb to face to curb. But due to those numbers when you add them together, you must have 35 feet to clear the fire trucks and still allow for on-street parking. One thing they were excited to try, if anybody ever gets to this point, was to do the offset on-street parking. Instead of having parking all on one side of the road, what they would like to do was painted chicanes. You would stagger the on-street parking, so the cars must slow down to go through. It was not a hardscape, but there were no cars parked there and they could still drive normally down the road, but it does slow them down. There was a place in what used to be Trinity Square in Durham, they had that. That was where she first saw it. She referred to a photo on the PowerPoint and advised she thought it was in Wisconsin. She pointed out they have it out there and it does work. They also added a blurb in there about other traffic calming measures. As they know, there was more and more research out there to show different things that could be done. She referred to the photo on the PowerPoint and commented that they may recognize the flashy all-way stop sign that they put on Second Avenue SE. This thing had done wonders for the speed out there. People used to blow right through the stop sign. They went through the traffic calming policy. They did the 25 miles an hour speed limit. They came back a year later and they got the all-way stop sign. It still was not slowing people down.

People were blowing right through. They found red lights to go on the stop sign, put those up and people stopped. It was amazing. People stop for stop signs. They loved it.

Mayor Guess commented it was not the sign that says, drive like your children live here.

Ms. Kone commented that the funny thing was, that way had never been faster. You should just stay on the main road and go down to the signal at Lenoir-Rhyne (LR) and make a right. That way had always been faster. But people, they get in the habits, straight line, they think, but with the all-way stops she was starting to see the traffic numbers dropped on that road as well, which they liked because it was a neighborhood road. Some other things that they were hoping to try were these bulb outs. They helped to narrow down the roadway, mostly at the intersections to slow the people down. What they would do was leave a little bit of path in between the bulb outs and the curb so that they do not have to do major storm drain upgrades to make sure the water was still getting where it needs to go. You could then do pretty things like plantings and stuff like that to help make the neighborhood more friendly. Another thing they added was to alert property owners that they may have to trim some of their bushes and trees when they were putting the signs in the right of way. She referred to the PowerPoint and advised the photo was taken on 5<sup>th</sup> Street SE at 3<sup>rd</sup> Avenue SE. This one recently went through a traffic calming and made it to an all-way stop. The stop sign was very difficult to see because of the trees that were planted in the planting strip. They talked with the homeowner and let them know they had to do this. The homeowner signed the petition, so he was like, "yeah, I guess I kind of got to let this happen". He was not happy. And obviously they did not get to clear enough, but they would take what they could get because they wanted to keep citizens happy, too. It was their neighborhood. This put the blurb in there to let them know that sometimes they just got to cut your trees down. She was a firm believer if she cut one down, she wanted to put one back, maybe in a park instead of on the road.

Ms. Kone advised Council they took out two readings because it used to be they always required two readings for any traffic calming. The only one they were leaving at two readings was the speed limit reductions because that was an ordinance and those required two readings. They redid the sentence structure on one of the pages because it did not read right. Then they updated the contact information. She had a new traffic engineer that worked under her, and he was the go-to guy instead of the girl that used to work for her. She asked for any questions.

Alderman Seaver inquired about the 35 feet she had discussed, was that just for the City or was that something that was kind of like the State.

Ms. Kone advised the 26 feet was the fire code and that was Statewide. The 9 feet for the on-street parking was in the City's Land Development Code. The 26 plus the 9 was 35.

Alderman Seaver asked what if they wanted bike lanes, would that add more.

Ms. Kone advised bike lanes had a different standard. They could not gutter pans as part of bike lanes. And depending on which rulebook they were looking at, it could be 4 feet, it could be 5 feet for bike lanes. If they were adding bike lanes to that, she would go for the higher just because it was more room for the cyclist. She would want 5 feet. Then they would require at least 40 feet.

Alderman Williams asked if this was posted on the City's website somewhere.

Ms. Kone commented they had the previous one on there. First thing tomorrow morning they would update to the new one.

Alderman Wood asked what constitutes a fire route. Because it seemed like anything where there was a building would be a fire route.

Ms. Kone explained the fire department had a major run route map that they have a copy of. That was what was different than what she thought he was asking. There were major run routes, and on major run routes, it could never do anything vertical, like speed bumps or speed tables or anything like that. A fire route was just the route that a fire truck would take, whether it was in a parking lot, down a street, that needs to be that clear. Obviously, there was some stuff that was grandfathered in. But that was the newest.

Alderman Freeman commented a couple of months ago, there was a concerned citizen that reached out to him. He asked Ms. Kone about the process if there was 60% of those who signed the petition to get a change on a city road. He wanted to

know what the process was if they were looking to get some change on a State road.

Ms. Kone commented that it was not nearly as easy as the City’s process. They would have to contact the Department of Transportation (DOT) for those. It usually had to go up to Raleigh and then back down. She did not know if they had a petition process. When they had tried to get speed limits reduced on their roads in the past, they worked with them. They had to get ordinances passed to reduce the speed limit. Then they take it up and they send it up to Raleigh and it comes back down. That was usually about a six-month process before the signs got put up. She honestly did not know what it took for a neighborhood road for DOT to get those reduced. She would be more than happy to help facilitate if he wanted to get that citizen to contact her.

Alderman Freeman thought they helped them out, but it sounds like that was a long process.

Ms. Kone advised she would find out, or at least ask.

Alderman Wood asked if the City could unilaterally change, do traffic calming measures, for example, on all the walks that they have, the pedestrian walks that were going through. Could they do that unilaterally or does it have to come from the citizens?

Ms. Kone advised anything that was like a speed limit reduction obviously had to be an ordinance change. They did something like that when City Walk first opened, where they reduced the speed limit. In the CBD, it was already 20. They reduced the speed limit on the edges between Lenoir-Rhyne and out to 9<sup>th</sup> Street. They reduced that to 25 because of City Walk. She imagined that was something they would probably try to mimic on the rest of the walks as they went. They already did it along the Old Lenoir Road.

City Manager Warren Wood commented they had gotten complaints about 4<sup>th</sup> Street there on the City Walk. The City Council could put traffic calming measures in, and they typically look to the traffic engineers for their recommendations on those. But they could do those unilaterally.

Alderwoman Patton asked if she had any comments from the public on this.

Ms. Kone advised every time they get the traffic calming back from the citizens, anytime they had made comments about it, for example, “it would be nice if they could” or, “man, that was really hard”, they took that into consideration, and that was where they dropped it to the 60% instead of the 75% to help with that. She asked for any other questions?

City Manager Warren Wood mentioned that they had not had any specific comments on this. They might when someone does not want traffic calming and they may be upset with lowering the threshold.

Mayor Guess thanked Ms. Kone. He knew that traffic calming was something that helped all of them. Whether or not a neighborhood has access to these types of forms and websites and things like that certainly does help. Of course, it had to be updated from time to time. They appreciated all the work and everything that had been put into this and making sure that it was up to date and that people had access to the information. They appreciate that. He asked for a motion to approve the updates as presented to the Neighborhood Traffic Calming Program.

Alderwoman Patton moved seconded by Alderman Zagaroli approval of the updates to the Neighborhood Traffic Calming Program. The motion carried unanimously.

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)  
Caucasian (Council Appoints) Cliff Moone Resigned  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)  
Other Minority (Council Appoints)

VACANT  
VACANT  
VACANT  
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

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 Ward 1 (Wood Appoints) William Richter Resigned 2-28-2024 VACANT

**RECYCLING ADVISORY BOARD**

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

Mayor Guess commented that they did not have many vacancies, but there were still a few. If there was something on there that they may be interested in, be sure and let Council know. Once again, the information pertaining to the Boards and Commissions was available on the City's website.

C. Presentation of Petitions and Requests

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

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

Mayor Guess commented long awaited and anticipated, one of the trails, Riverwalk, was very near to completion. The City was making the announcement that they were going to have the opening and the ribbon cutting at 10:30 a.m. on April 4, 2024. A little less than a month. They would be having a public opening and ribbon cutting for the Riverwalk. He invited everyone to come out and participate and to be part of that. He knew that everyone on Council had been asked for a while now when it was going to be. Now they know when it was going to be, April 4<sup>th</sup> at 10:30 a.m.

Mayor Guess mentioned and commended all the members of the Hickory Fire Department. Hickory Fire Department was now an Internationally Accredited Agency with the Commission on Fire Accreditation. They were 1 of 300 to achieve this status, and only 17 of those 300 were in the State of North Carolina. This involved and entailed agency best practices. One of the best ways to describe it was they went above and beyond what was required in the fire industry, and they assured them that all their folks were properly trained and that they had up to date equipment. He knew there was a lot more that goes into it than just those items, but they could be assured that the City's Fire Department in the City of Hickory was one of the best and they continued to get updates and have all the necessary equipment and training that they need to hold this level of accreditation. He asked Chief Matthew Hutchinson to please pass that along to all the members of the fire department, because he knew that it was not just one person, it was an entire group that had to meet that accreditation. Well done there. They appreciated that.

City Manager Warren Wood advised they would do a presentation on that at the next City Council meeting.

Mayor Guess asked if there was anyone else on Council or staff that had any general comments that they would like to make.

Alderman Wood reminded everyone that the clocks spring forward on Sunday morning. Along with the fire theme, change the batteries in your smoke detectors. And remind people to do that, please.

Mayor Guess interjected and your carbon dioxide detectors. He asked if they still checked alarms for people that were not able. They had been providing that service for a while.

Alderman Wood mentioned that carbon dioxide detectors had a lifespan to them. People need to know that they do have a lifespan to them and will stop detecting.

City Manager Warren Wood had a bit of sad news. Public Utilities Director Shawn Pennell, after 30 years of service with the City of Hickory, had announced that he was going to be retiring at the end of May. He had done an outstanding job and stepped up when they needed him. They appreciated Shawn's service. He was a true success story for the City of Hickory. He had been committed and been here for 30 years. He really moved up the ranks. He did an outstanding job, and he will be

able to spend more time with his family. He torpedoed his retirement plans last year, begging him to stay. He did not do that this time, too bad. They appreciated Shawn, and all that he had done, and they still had him for a while. He thanked him for all his service.

Council Members thanked Mr. Pennell.

Alderman Freeman thanked the Council, the Mayor, the City, as well as the community of Ridgeview. He was absent from the last City Council meeting. In the month of February, he was preaching funerals every week, and one of them happened to be a first cousin, and then the next week it was his youngest sister. He thanked everyone for their prayers and support. And Debbie Miller sent a sympathy card as well.

XIV. There being no further business, the meeting adjourned at 6:26 p.m.

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Mayor

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City Clerk

COUNCIL AGENDA MEMOS

To: City Manager’s Office
From: Melissa Miller, Finance Officer
Contact Person: Patsy Scott, Senior Accountant
Date: March 1, 2024
Re: Delinquent Taxes within City of Hickory Limits – Burke and Caldwell Counties

REQUEST

G.S. 105-369(a) mandates that the tax collector must first inform the governing body of and then advertise the “total amount of unpaid taxes for the current fiscal year that are liens on real property”.

Table with 5 columns: County, Real Property Tax, Personal Property Tax, Business Personal Property, Total. Rows include 2023 Caldwell County and 2023 Burke County.

BACKGROUND

A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. G.S. 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30.

ANALYSIS

Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the “total amount of unpaid taxes for the current fiscal year that are liens on real property”. (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector’s report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers of the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an “automatic stay” immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay.

RECOMMENDATION

The Tax Collector has informed City Council of the unpaid tax amounts for the current fiscal year. It is recommended that City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record in an attempt to collect the outstanding taxes.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Melina Miller  
Initiating Department Head

3/1/24  
Date

Amanda McArthur  
Deputy City Attorney, A. Dula

3-1-24  
Date

Rodney Miller  
Asst. City Manager Rodney Miller

3/11/24  
Date

Rod Beasley  
Asst. City Manager, R. Beasley

3/13/24  
Date

Melina Miller  
Finance Officer, Melissa Miller

3/1/24  
Date

Cameron McHargue  
Deputy Finance Officer,  
Cameron McHargue

3-12-24  
Date

Yaidee Fox  
Exec Asst City Manager Yaidee Fox

3/12/24  
Date

Recommended for approval and placement on March 19, 2024 Council agenda  
(as Consent, Public Hearing, Informational, Department Report, etc).

Waverly Wood  
City Manager, W. Wood

3.13.2024  
Date

2

COUNCIL AGENDA MEMOS

**To:** City Manager's Office  
**From:** Stephen Craig, Fire Marshal  
**Contact Person:** Stephen Craig  
**Date:** March 5, 2024  
**Re:** Public Fireworks Display

**REQUEST**

To obtain approval to issue a pyrotechnic display permit to Pyro Shows Inc. for fireworks displays at the Hickory Crawdads stadium for the below listed dates.

**BACKGROUND**

Douglas Locascio, General Manager of the Hickory Crawdads, has submitted a request to obtain permission to conduct public fireworks displays on the following dates:

- Friday, April 12, 2024
- Friday, April 26, 2024
- Friday, May 17, 2024
- Friday, May 24, 2024
- Sunday, May 26, 2024
- Friday, June 7, 2024
- Friday, June 21, 2024
- Wednesday, July 3, 2024
- Friday, July 19, 2024
- Friday, July 26, 2024
- Friday, August 9, 2024
- Friday, August 23, 2024
- Friday, September 6, 2024

**The following would be a rain date:**

- Saturday, April 13, 2024
- Saturday, April 27, 2024
- Saturday, May 18, 2024
- Saturday, May 25, 2024
- Saturday, June 8, 2024
- Saturday, June 22, 2024
- Saturday, July 20, 2024
- Saturday, July 27, 2024
- Saturday, August 10, 2024
- Saturday, August 24, 2024
- Saturday, September 7, 2024

**ANALYSIS**

The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable).

**RECOMMENDATION**

Staff recommends approval of the above pyrotechnics displays.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

[Signature] 3-5-24  
Initiating Department Head Date

[Signature] 3-11-24  
Deputy City Attorney, A. Dula Date

[Signature] 3/11/24  
Asst. City Manager Rodney Miller Date

[Signature] 3/13/24  
Asst. City Manager, R. Beasley Date

[Signature] 3/13/24  
Finance Officer, Melissa Miller Date

[Signature] 3-12-24  
Asst. Finance Officer, C. McHargue Date

[Signature] 3/12/24  
Asst City mgr Date

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

[Signature]  
City Manager, W. Wood

3.13.2024  
Date



# HICKORY CRAWDADS BASEBALL CLUB

2500 Clement Blvd NW, Hickory, NC 28601

Phone: 828-322-3000 Fax: 828-322-6137

www.hickorycrawdads.com crawdad@hickorycrawdads.com

January 16, 2024

To Whom It May Concern:

The Hickory Crawdads ask the City of Hickory to grant us permission to have a public fireworks display on the following dates:

April 12, 26

May 17, 24, 26

June 7, 21

July 3, 19, 26

August 9, 23

September 6

The following dates would be rain dates:

April 13, 27

May 18, 25

June 8, 22

July 20, 27

August 10, 24

September 7

The May 26<sup>th</sup> and July 3<sup>rd</sup> dates will not be made up if they are rained out. There will not be a rain date for that event. These shows will be similar in nature to the shows we have had at L.P. Frans Stadium for the last 31 years. We understand, if permission is granted from the City of Hickory, it does not alleviate us from the responsibility of applying for and obtaining the proper permits from the various city departments.

Thank you for your consideration of this request.

Thanks,

*Douglas*

Douglas Locascio  
General Manager  
Hickory Crawdads

Class "A" Affiliate of the Texas Rangers  
Members of the South Atlantic League



6

## COUNCIL AGENDA MEMOS

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Cal Overby, Planning Manager

**Date:** March 5, 2024

**Re:** Voluntary non-contiguous annexation of property owned by The State of North Carolina

### REQUEST

Call for public hearing, to be held on April 2, 2024, for the consideration of the voluntary contiguous annexation of 304.39 acres of property located at 2319 6<sup>th</sup> Street SE. This property is identified as PIN 371113036026.

### BACKGROUND

The property is currently vacant and located within the City's extraterritorial jurisdiction. The property is zoned R-1 Residential, which permits residential development at 2 dwelling units per acre. The property is currently owned by the State of North Carolina, and is slated to be a new state park.

### ANALYSIS

The State of North Carolina has petitioned annexation so that the property can be located within Hickory's corporate limits. While the property is slated to be a new state park, no definitive park plans have been developed.

Surrounding properties are zoned Catawba County R-20 Residential and City of Hickory R-1 Residential and occupied by single family homes, vacant or under development.

The property is under the ownership of the State of North Carolina, and as such would not be taxable. The current listed tax value of the property is \$1,112,100.00. Prior to being owned by the State of North Carolina, the property was owned by the Foothills Land Conservancy. When the property was purchased by the Foothills Land Conservancy in 2020, the tax value was listed at \$575,500.00.

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

### RECOMMENDATION

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



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier BMF 03/05/2024  
Initiating Department Head Date

Robby Miller RM 3/11/24  
Asst. City Manager R. Miller Date

M. Miller MM 3/13/24  
Finance Officer, M. Miller Date

Yaidee Fox YF 3/12/24  
Exe Asst City Manager Yaidee Fox Date

A. Dula AD 3-11-24  
Deputy City Attorney, A. Dula Date

R. Beasley RB 3/13/24  
Asst. City Manager, R. Beasley Date

Cameron McHargue CM 3-12-24  
Deputy Finance Officer,  
Cameron McHargue Date

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

Warren Wood  
City Manager, Warren Wood  
3.13.2024  
Date

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

WHEREAS, a petition from the State of North Carolina requesting annexation of an area described in a petition was received on March 6, 2024, by the City Council of the City of Hickory; and

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

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

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

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

**CERTIFICATE OF SUFFICIENCY**

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

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

Property of the State of North Carolina, containing 304.39-acres more or less, located at 2319 6<sup>th</sup> Street SE, PIN 3711-13-03-6026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory on this 6<sup>th</sup> day of March 2024.



*Debbie D. Miller*  
\_\_\_\_\_  
Debbie D. Miller, City Clerk

**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 4-5-2023

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

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory.

1. The property to be voluntarily annexed is located on 24<sup>th</sup> Avenue SE between Ponderosa Road and 6<sup>th</sup> Street SE, shown in more on a provided survey.

Parcel Identification Number: 3711-13-03-6026.

Physical (Street) Address: Not currently addressed.

2. The property is owned by: State of North Carolina

**Owner Information:**

Name: State of North Carolina

Address: 1321 Mail Service Center, Raleigh, NC 27699

Phone Number: 984-236-0000

3. The petition is submitted by: State of North Carolina, Department of Administration

**Agent Information:**

Name: Pamela B. Cashwell, Secretary, Department of Administration

Address: 1321 Mail Service Center, Raleigh, NC 27699

Phone Number: 984-236-0000

4. If annexation is approved by the Hickory City Council, the applicant would request that the property retain its current zoning of R-1 Residential.

5. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein is true and correct.

State of North Carolina  
Printed Name of Property Owner

Pamela B. Cashwell  
Signature of Property Owner

1321 Mail Service Center, Raleigh, NC 27699  
Address of Property Owner

984-236-0000  
Telephone Number of Property Owner

State of North Carolina – County of Wake

I certify that Pamela B. Cashwell, Secretary of the North Carolina Department of Administration, personally appeared before me this date and acknowledged that she signed the foregoing document.

This the 04 day of April, 2023.

Angelika Chafalovitch  
Notary Public Signature



Angelika Chafalovitch  
Notary Public Printed Name

My commission expires: 01-26-2027

3612-0931

FILED ELECTRONICALLY  
CATAWBA COUNTY NC  
DONNA HICKS SPENCER

FILED Nov 09, 2020  
AT 02:41:00 PM  
BOOK 03612  
START PAGE 0931  
END PAGE 0934  
INSTRUMENT # 23267  
EXCISE TAX \$1,412.00

### NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: **\$1,412.00**

PIN: 3711-13-03-6026, 3701-16-94-9654, and 3711-13-14-1814

Description: 301.19 +/- acres, Hickory Township

Return to: **Young, Morphis, Bach & Taylor, LLP**  
**Jimmy R. Summerlin, Jr., P.O. Drawer 2428, Hickory, NC 28603**

This instrument was prepared by: **Jimmy R. Summerlin, Jr., Attorney, Hickory, NC**

THIS DEED, made this the 16<sup>th</sup> day of **November, 2020**, by and between:

**GRANTOR: Foothills Conservancy of North Carolina, Inc.**,  
whose address is **P.O. Box 3023, Morganton, NC 28680**,  
(herein collectively referred to as **Grantor**)

and

**GRANTEE: STATE OF NORTH CAROLINA**  
whose address is **c/o State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321**,  
(herein referred to as **Grantee**).

#### WITNESSETH:

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

**SEE EXHIBIT "A" attached hereto and incorporated herein.**

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 3568, Page 0790 and Book 3568, Page 0796, of the Catawba County Registry.

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

259897.1

3612-0932

A map of a portion of the property is recorded in Map Book 81, Page 131, of the **Catawba** County Registry.

The property conveyed by this instrument DOES NOT include the primary residence of the Grantor.

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

**See EXHIBIT "B" attached hereto and incorporated herein.**

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

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

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

**FOOTHILLS CONSERVANCY OF  
NORTH CAROLINA, INC.**



**Andrew Kota, Executive Director**

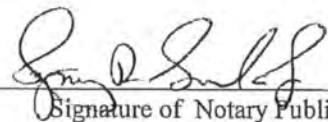
(SEAL)

State of **North Carolina**

County of Catawba

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

Date: 11-6-20



Signature of Notary Public

Jimmy R. Summerlin, Jr.

Typed/Printed Name of Notary

My Commission Expires:

6-10-22

(Official/Notarial Seal)



3612-0933

**EXHIBIT "A"**

**BEING** all of that certain property conveyed by George D. Harris, et al., to Foothills Conservancy of North Carolina, Inc., as described in Book 3568, Page 790 of the Catawba County Registry, and all of that certain property conveyed by Donna H. Hamilton, et al., to Foothills Conservancy of North Carolina, Inc., as described in Book 3568, Page 796 of the Catawba County Registry, containing a total of 301.19 acres, more or less, as shown and depicted on that certain Survey for Foothills Conservancy of North Carolina prepared by J. Douglas Suttles, PLS # L-3728 recorded in **Plat Book 81, Page 131** of the Catawba County Registry (hereinafter referred to as the "Plat"), to which plat reference is hereby made for a more complete description.

The foregoing property being currently or previously known as Catawba County PINs 3711-13-03-6026, 3701-16-94-9654, and 3711-13-14-1814.

LESS AND EXCEPT from the foregoing:

(1) that certain 0.82 acre, more or less, overlap area with the property of William F. Hahn (Deed Book 1231, Page 596), as depicted on the Plat, and described as follows: BEGINNING at a 5/8" rebar in the western line of Hahn, thence North 32°34'06" West 120.26 feet to a 5/8" rebar; thence North 68°05'21" East 299.97 feet to a 5/8" rebar; thence South 32°55'58" East 121.86 feet to a 5/8" rebar; thence South 68°21'39" West 301.03 feet to the BEGINNING.

and

(2) that certain 0.04 acre, more or less, "home encroachment area", by the property of James Ray York (Deed Book 1802, Page 624), as depicted on the Plat, and described as follows: BEGINNING at a 5/8" rebar in the common line of Foothills Conservancy of North Carolina, Inc. (Deed Book 3568, Page 796) and James Ray York (Deed Book 1802, Page 624), said point being located South 59°06'24" West 283.09 feet and South 59°19'05" West 258.24 feet from an iron rod, the southeastern corner of the Foothills Conservancy property in the line of Wayne M. Bach, Trustee, Whitener Family Trust (Deed Book 3043, Page 116), and continuing thence N 47°45'20" West 28.83 feet to a 5/8" rebar; thence South 46°23'50" West 60.71 feet to a 5/8" rebar; thence South 46°24'58" East 14.53 feet to a 5/8" rebar; thence North 59°19'05" East 63.70 feet to the BEGINNING.

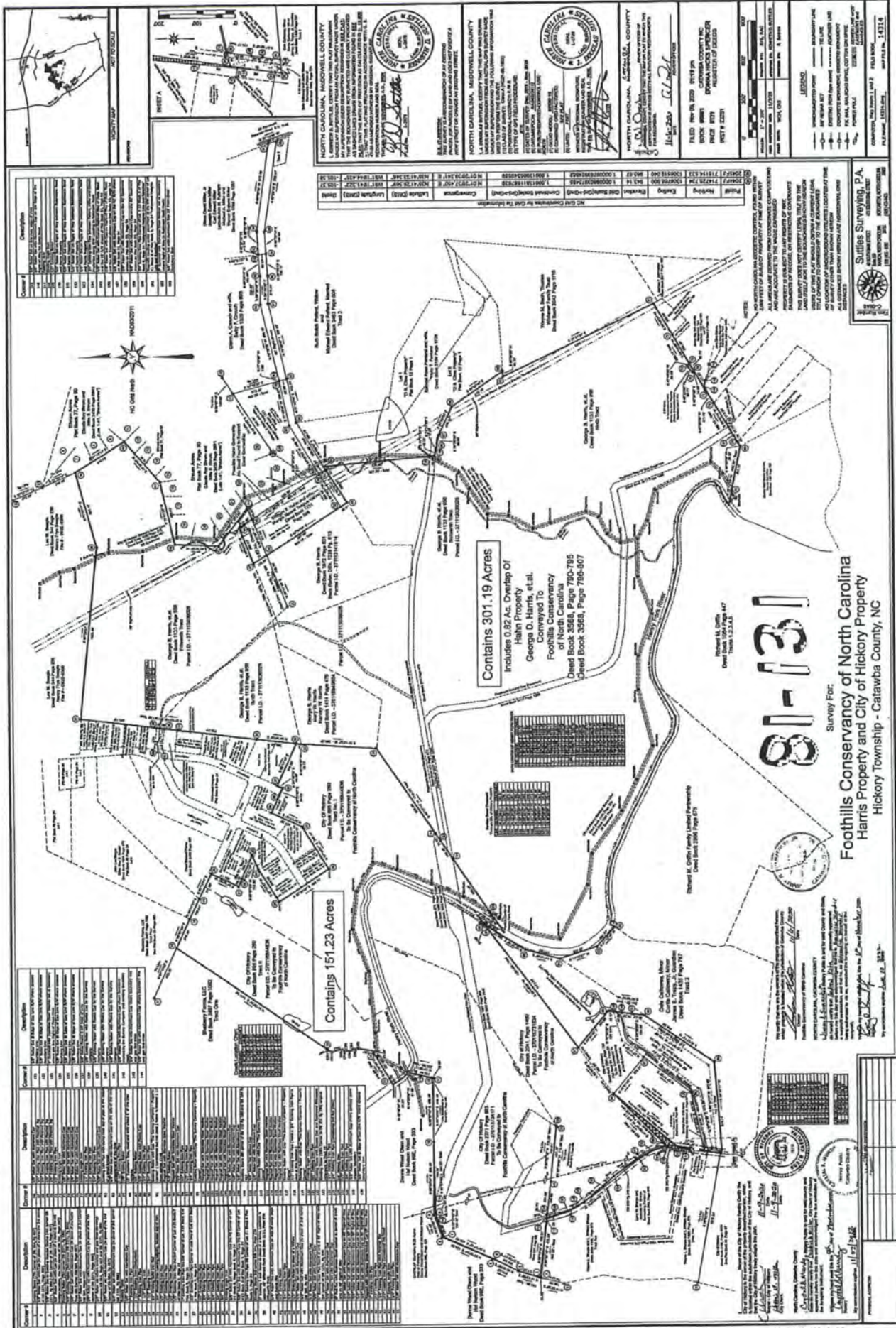
3612-0934

**EXHIBIT "B"****Exceptions and Reservations**

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

1. Taxes for the year 2021, and subsequent years, not yet due and payable.
2. Any inaccuracy in the area, square footage, or acreage of Land described in Exhibit A or the referenced plats.
3. Matters shown on recorded Plat Book 81 at Page 131.
4. All existing easements for public utilities, streets and thoroughfares, affecting the insured premises.
5. Riparian and/or littoral rights incident to the Land; rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Land; and title to any portion of the Land owned by any governmental entity including, but not limited to, marsh, dredged and/or filled areas and Land below the mean high-water mark, including but not limited to Henry Fork River and its tributaries.
6. Title to, and easements in, any portion of the Land lying within any highways, roads, streets, alleys or other ways, including but not limited to Robinson Road.
7. Easement(s) to Piedmont Natural Gas recorded in Book 574, page 472 and Book 3417, page 1085.
8. Final Resolution and Condemnation for sewer easement, City of Hickory, recorded in Book 1150, Page 378 and Book 1167, Page 451.
9. Duke Energy Transmission line crosses insured premises.
10. Easements recorded in Book 1228, page 613 and Book 1872, page 631.
11. Subject to a permanent non-exclusive easement for ingress, egress and regress recorded in Book 1228, page 613 and Book 1872, page 631.





Change Order	Description
1	As per Deed Book 1487 Page 208, the area shown as 'Hahn Property' is to be included in the survey.
2	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
3	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
4	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
5	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
6	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
7	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
8	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
9	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
10	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
11	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
12	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
13	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
14	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
15	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
16	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
17	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
18	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
19	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.
20	As per Deed Book 1477 Page 447, the area shown as 'Hahn Property' is to be included in the survey.

Point	Station	Distance	Bearing	Angle	Remarks
1	1	100.00	N 00° 00' 00" E	90° 00' 00"	Start of Survey
2	2	100.00	N 00° 00' 00" E	90° 00' 00"	End of Survey
3	3	100.00	N 00° 00' 00" E	90° 00' 00"	Start of Survey
4	4	100.00	N 00° 00' 00" E	90° 00' 00"	End of Survey
5	5	100.00	N 00° 00' 00" E	90° 00' 00"	Start of Survey
6	6	100.00	N 00° 00' 00" E	90° 00' 00"	End of Survey
7	7	100.00	N 00° 00' 00" E	90° 00' 00"	Start of Survey
8	8	100.00	N 00° 00' 00" E	90° 00' 00"	End of Survey
9	9	100.00	N 00° 00' 00" E	90° 00' 00"	Start of Survey
10	10	100.00	N 00° 00' 00" E	90° 00' 00"	End of Survey

**Survey For:**  
**Foothills Conservancy of North Carolina**  
**Harris Property and City of Hickory Property**  
**Hickory Township - Catawba County, NC**

Surveyed by: *[Signature]*  
 Date: 11/15/18



Description of that certain parcel of land lying and being south of I-40, east of Hwy 321 and west of Robinson Road; bounded on the north by the Lee M. Seagle property recorded in Deed Book 344, Page 236 and in Nancy Frye Seagle property in Estate File# 092E-0366, on the east by the Claude Ray Shrum and Billie S. Shrum property recorded in Deed Book 3430, Page 641 and illustrated as Lots 1-41 of Shrum Acres recorded in Plat Book 77, Page 90, as well as the Wilburn F. Hahn and wife Margie Naomi Teague Hahn property recorded in Deed Book 1231, Page 596, then along the north side of a 60' right-of-way by the said Hahn property and the Roger Wayne Crouch property recorded in Deed Book 3852, Page 101 and the Kristy Miller Saunders property recorded in Deed Book 3696, Page 637, on the east of the right-of-way by Robinson Road (SR 1148), and on the south of the right-of-way by the Ruth Bolick Pollard, widow and Michael Edward Pollard, married property recorded in Deed Book 3463, Page 608 – Tract 3 and the Samuel Ross Penland and wife, Holly T. Penland property recorded in Deed Book 3159, Page 1735 which continues to bound the overall property on the east as on the southeast by the Wayne M. Bach, Trustee of the Whitener Family Trust property recorded in Deed Book 3043, Page 1116, bounded on the south by the Ricky Allen Shook and wife, Mary Shortt Shook property recorded in Deed Book 1393, Page 756, the James Ray York and wife, Margaret A. York property recorded in Deed Book 1802, Page 624 and illustrated as Lot "E" of Plat Book 31, Page 175, the Nattie Propst property recorded in Deed Book 3736, Page 1530, the Christopher F. Malinoski and wife, Amy F. Malinoski property recorded in Deed Book 3731, Page 309, the Malachi Morris property recorded in Deed Book 3840, Page 1704 – Tract Two and Tract One, the Richard M. Griffin Family Limited Partnership property recorded in Deed Book 2012, Page 9 – Tracts 1 thru 5, the Richard M. Griffin Family Limited Partnership recorded in Deed Book 2996, Page 875, on the southwest by the Dale Calloway, minor, Curtis Calloway, minor, and James B. Trapp, Jr, Guardian ad Litem property recorded in Deed Book 1435, Page 787 – Tract 3, the Dale Calloway and Joelle Moose property recorded in Deed Book 1995, Page 755 and the City of Hickory property recorded in Deed Book 2041, Page 1400, and on the west by the City of Hickory property recorded in Deed Book 895, Page 260 – Tract No. I, the Ronald Scot Shuford property recorded in Deed Book 1945, Page 1293 – Tract Two and Tract One, the Dennis Stewart Cloer and Darren Andrew Cloer property recorded in Deed Book 3719, Page 715 and illustrated as Lots 21-28 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Robert E. Kaylor and wife, Karen H. Kaylor property recorded in Deed Book 1968, Page 27 and illustrated as Lots 13-20 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Janet Reinhardt Burleson property recorded in Deed Book 1605, Page 164 and illustrated as Lots 5-12 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Jonathan Andrew Harrington and Devin Alexis Williams property recorded in Deed Book 2588, Page 844 and illustrated as Lots 1-4 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, a 60' right-of-way as illustrated in Plat Book 9, Page 24 between Blocks "A" and "B" of Hollywood Heights, and on the northwest by the Steven Clay Shuford property recorded in Deed Book 2928, Page 1029 and illustrated as Lots 18-23 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Scottish Brothers Investments, LLC property recorded in Deed Book 3803, Page 612 and illustrated as Lots 14-17 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Dietz & Dietz Realty, LLC property recorded in Deed Book 3575, Page 1231 and illustrated as Lots 9-13 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Jeffrey S. Stoker and wife, Tinita C. Stoker property recorded in Deed Book 2007, Page 1509 and illustrated as Lots 5-8 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Jeffrey S. Stoker property recorded in Deed Book 1999, Page 1148 and illustrated as Lots 3 & 4 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, and the Jeffrey S. Stoker property recorded in Deed Book 1769, Page 689 and illustrated as Lots 1 & 2 of Block "A" of Hollywood Heights in Plat Book 9, Page 24 and more particularly described as follows:

BEGINNING at a  $\frac{3}{4}$ " existing iron pipe, the northeast corner of Lot #1, Block A of Plat Book 9, Page 24 and a corner in the Lee M. Seagle property recorded in Deed Book 344, Page 236 and in Nancy Frye Seagle property in Estate File# 092E-0366 and a corner in the property formerly owned by George B.

Harris, et al recorded in Deed Book 1133, Page 954 and now owned by the State of North Carolina as recorded in Deed Book 3612, Page 931, said point having North Carolina grid coordinates of N=716,647.320', E=1,309,941.404', Elevation of 1,044.24', a convergence angle of N 01°20'32" E, a scale factor of grid to ground=1.00009731946619, a combined scale factor of grid to ground=1.00014223162381, a geoid of -105.39, a horizontal datum of North American Datum of 1983 and a realization of 2011 (NAD83/2011), a vertical datum of North American Vertical Datum of 1988 (NAVD88), and a geoid of the conterminous US of Geoid18; thence with the Lee and the State of North Carolina boundary line, Course #1, a grid bearing of S 84°20'51" E a distance of 1323.55' to an existing stone found in place of the 3<sup>rd</sup> corner of Deed Book 344, Page 236 and the 3<sup>rd</sup> corner of Deed Book 1133, Page 954 the fifteenth tract, and being on the side of the ridge about 75' east of the sewer line at the bottom of the bank; thence continuing with the Lee and the State of North Carolina boundary line, Course #2, turning an interior angle of 158°43'08" to a bearing of N 74°22'17" E a distance of 601.12' to a 2" existing "T" bolt found in place of a stone, said stone is approximately 40' different from the call in both of the aforementioned deeds, again both deeds having called for a stone, said "T" bolt is a corner in Lot #7 of the Claude Ray Shrum and Billie S. Shrum property recorded in Deed Book 3430, Page 641 and illustrated as Lots 1-41 of Shrum Acres recorded in Plat Book 77, Page 90; thence leaving the Lee boundary and running with the aforementioned State of North Carolina boundary and the Shrum line along Lots 7, 8 and 9, Course #3, turning an interior angle of 105°34'31" to a bearing of S 31°12'14" E a distance of 446.63' to a 5/8" rebar set with an aluminum cap on the side of a steep slope and a large debris pile, said rebar is the common corner of Lot 9, Lot 11, and Lot 12 of Shrum Acres in said plat and the aforementioned State of North Carolina boundary; thence running with the aforementioned State of North Carolina boundary and the common lines of Lots 12, 13, 14 and 15 of the Shrum Acres subdivision, Course #4, turning an interior angle of 100°18'55" to a bearing of S 48°28'50" W a distance of 418.38' to an existing 1/2" rebar in the aforementioned State of North Carolina boundary line and being the common corner of Lot 15 and Lot 16 of Shrum Acres; thence with the aforementioned boundary line of the State of North Carolina property and the line of Lots 16, 17 and 18 of Shrum Acres, Course #5, turning an interior angle of 151°37'29" to a bearing of S 76°51'22" W a distance of 493.51' to an existing 3/4" iron pipe, the common corner of the aforementioned State of North Carolina tract and Lot 18 of Shrum Acres; thence continuing with the aforementioned State of North Carolina tract and Lots 18 and 19 of Shrum Acres, Course #6, turning an interior angle of 105°41'32" to a bearing of S 02°32'54" W a distance of 340.74' to an existing 5/8" rebar east of the creek and west of a sanitary sewer maintenance hole, said rebar being a corner in Lot 19 of Shrum Acres; thence continuing with the aforementioned State of North Carolina boundary and Lots 19, 20 and 21 of Shrum Acres, Course #7, turning an interior angle of 125°42'10" to a bearing of S 51°44'56" E a distance of 372.06' to an existing 1/2" rebar in place of a Willow tree on the east side of the creek called for in Deed Book 1133, Page 954 and being the common corner between Lot 21 and Lot 22 of Shrum Acres; thence leaving the Shrum Acres boundary and following the aforementioned State of North Carolina tract and a possible boundary of Hahn as no deed has been found to support this area, Course #8, turning an interior angle of 59°53'25" to a bearing of S 68°21'39" W a distance of 95.20' to a 5/8" rebar set with an aluminum cap, said rebar being in the aforementioned State of North Carolina line and in the boundary of Wilburn F. Hahn and wife Margie Naomi Teague Hahn recorded in Deed Book 1231, Page 596; thence with the aforementioned State of North Carolina boundary and the Hahn property, Course #9, turning an interior angle of 101°17'37" to a bearing of N 32°55'58" W a distance of 121.86' to a 5/8" rebar set with an aluminum cap in place of the 2<sup>nd</sup> corner of Deed Book 399, Page 404; thence with the Hahn boundary line and traversing through the aforementioned State of North Carolina, Course #10, turning an interior angle of 101°01'18" to a bearing of S 68°05'21" W a distance of 299.97' to a 5/8" rebar set with an aluminum cap at the northwest corner of the aforementioned Hahn property and a corner of the State of North Carolina; thence continuing to the western line of the aforementioned Hahn Property and the eastern line of the aforementioned State of North Carolina, Course #11, turning an interior angle of 79°20'34" to a bearing of S 32°34'06" E a distance of 120.26' to a 5/8" rebar set with an aluminum cap at the intersection of the aforementioned fifteenth tract in the western line of the Hahn Property and in

the eastern line of the aforementioned State of North Carolina property; thence leaving the fifteenth tract and running the western line of the Hahn Tract and the eastern line of the State of North Carolina property, Course #12, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $S 32^{\circ}34'06'' E$  a distance of 687.89' to a 5/8" rebar set with an aluminum cap on the northern edge of a 60' right-of-way and in the western line of the Hahn property and the eastern line of the State of North Carolina property; thence traversing through the aforementioned Hahn property along the northern line of the aforementioned 60' right-of-way recited in Deed Book 1872, Page 631, Course #13, turning an interior angle of  $89^{\circ}10'59''$  to a bearing of  $N 56^{\circ}36'53'' E$  a distance of 299.86' to a DuraNail set in a small creek, the corner of the Hahn tract and the north edge of the aforementioned right-of-way; thence along the northern edge of the 60' right-of-way and traversing through the Hahn property, Course #14, turning an interior angle of  $178^{\circ}30'00''$  to a bearing of  $N 58^{\circ}06'53'' E$  a distance of 440.15' to a 5/8" rebar set with an aluminum cap in the northern edge of the 60' right-of-way; thence continuing to traverse through the Hahn property and along the 60' right-of-way, Course #15, turning an interior angle of  $160^{\circ}23'56''$  to a bearing of  $N 77^{\circ}42'58'' E$  passing a 5/8" rebar set at 350.47' at the intersection of the Hahn property and the Roger Wayne Crouch property recorded in Deed Book 3852, Page 1011 and continuing a total distance of 352.42' to a 5/8" rebar set in the northern line of the 60' right-of-way; thence traversing along the 60' right-of-way and through the Crouch property, Course #16, turning an interior angle of  $178^{\circ}53'07''$  to a bearing of  $N 76^{\circ}36'05'' E$  a distance of 606.19' to a 5/8" rebar set with an aluminum cap in the northern edge of the right-of-way and inside the Crouch boundary; thence continuing to traverse through the Crouch boundary and along the northern edge of the right-of-way, Course #17, turning an interior angle of  $166^{\circ}59'10''$  to a bearing of  $N 89^{\circ}36'55'' E$  a distance of 221.85' to a 5/8" rebar set with an aluminum cap on the north edge of the aforementioned right-of-way and being located inside the Crouch boundary; thence continuing along the north edge of the right-of-way and through the Crouch boundary, Course #18, turning an interior angle of  $176^{\circ}52'18''$  to a bearing of  $N 86^{\circ}29'13'' E$  a distance of 163.96' to a 5/8" rebar set on the north edge of the right-of-way, a common corner with Crouch and the Kristy Miller Saunders property recorded in Deed Book 3696, Page 637 and continuing a total distance of 167.49' to a 5/8" rebar set with an aluminum cap at a bend in the right-of-way and inside the Saunders boundary; thence continuing along the northern right-of-way and through the Saunders property, Course #20, turning an interior angle of  $179^{\circ}56'57''$  to a bearing of  $N 86^{\circ}32'15'' E$  a distance of 175.52' to a 5/8" rebar set with aluminum cap on the north edge of the right-of-way and inside the Saunders property; thence continuing along the northern right-of-way line and through the Saunders property, Course #21, turning an interior angle of  $168^{\circ}34'34''$  to a bearing of  $S 82^{\circ}02'19'' E$  a distance of 679.16' to a 5/8" rebar set with an aluminum cap on the east edge of Robinson Road (SR 1148), a 20' paved surface secondary roadway; thence running south and east along Robinson Road with the east edge of the 60' right-of-way and through the Saunders property, Course #22, turning an interior angle of  $118^{\circ}11'20''$  to a bearing of  $S 20^{\circ}13'39'' E$  a distance of 68.07' to an existing cut-off power pole with a MagNail and stainless steel washer set, the common corner of the Saunders property, the Ruth Bolick Pollard (widow) and Michael Edward Pollard (married) property recorded in Deed Book 3463, Page 608, Tract 3 and the southern edge of the aforementioned 60' right-of-way; thence following the southern edge of the 60' right-of-way, the southern boundary of the Saunders property and the northern boundary line of the Pollard property, Course #23, turning an interior angle of  $61^{\circ}48'40''$  to a bearing of  $N 82^{\circ}02'19'' W$  a distance of 705.31' to an existing 1" iron pipe in a fence line on the southern edge of the 60' right-of-way, the southern edge of the Saunders property and the northern line of the Pollard property; thence continuing along the common boundary lines of Pollard, Saunders, and the southern line of the 60' right-of-way, Course #24, turning an interior angle of  $168^{\circ}34'34''$  to a bearing of  $S 86^{\circ}32'15'' W$  a distance of 169.50' to an existing 1/2" iron pipe in the fence line, the southwest corner of the Saunders property, the southeast corner of the aforementioned Crouch property, a corner in the property line of the Pollard property and the southern line of the 60' right-of-way; thence continuing along the Pollard and Crouch boundaries and the southern line of the 60' right-of-way, Course #25, turning an interior angle of  $179^{\circ}56'57''$  to a bearing of  $S 86^{\circ}29'13'' W$  a distance of 169.11' to an existing 1/2" iron pipe in the fence line, the Pollard boundary, the Crouch boundary and the aforementioned right-of-way; thence continuing

to traverse along the fence, the Pollard boundary, the Crouch boundary and the southern edge of the 60' right-of-way, Course #26, turning an interior angle of 176°52'18" to a bearing of S 89°36'55" W a distance of 216.64' to an existing ¾" pinched-top iron pipe in the Pollard boundary and in the southern line of the right-of-way; thence continuing along the Pollard and the right-of-way boundaries, Course #27, turning an interior angle of 166°59'10" to a bearing of S 76°36'05" W a distance of 599.93' to an existing ½" iron pipe the common corner of the Pollard property, the southwest corner of the Crouch property, the southeast corner of the aforementioned Hahn property, and in the southern line of the 60' right-of-way; thence continuing with the northern line of Pollard, the southern line of Hahn and the southern line of the 60' right-of-way, Course #28, turning an interior angle of 178°53'07" to a bearing of S 77°42'58" W a distance of 342.64' to an existing 1" angle iron on the southern line of the 60' right-of-way, the northwest corner of the Pollard property, a corner in the southern boundary of Hahn and the northeast corner of the Samuel Ross Penland and wife, Holly T. Penland property recorded in Deed Book 3159, Page 1735 and illustrated as Lot 1 of the O.B. Cline property recorded in Plat Book 12, Page 1; thence with the Penland property, the Hahn property and the 60' right-of-way property, Course #29, turning an interior angle of 160°23'56" to a bearing of S 58°06'53" W a distance of 396.76' to an existing ¾" iron pipe the northwest corner of the aforementioned Penland property illustrated as Lot 2 of the O.B. Cline property recorded in Plat Book 12, Page 1, a corner in the Hahn property, a corner of the State of North Carolina property and east of a small branch; thence with the eastern boundary of the State of North Carolina property and the western boundary of Penland, Course #30, turning an interior angle of 116°56'29" to a bearing of S 04°56'37" E a distance of 834.89' to a 5/8" rebar set in the Penland and State of North Carolina boundary where a gas line right-of-way crosses the aforementioned boundary line; thence continuing along the aforementioned boundaries, Course #31, turning an interior angle of 180°00'00" to a bearing of S 04°56'37" E a distance of 32.89' to a 5/8" rebar set with an aluminum cap at the southwest corner of the Penland property and a corner in the State of North Carolina boundary; thence continuing with the State of North Carolina and Penland boundary, Course #32, turning an interior angle of 110°24'44" to a bearing of S 74°31'53" E a distance of 43.72' to a 5/8" rebar set with an aluminum cap where the aforementioned gas line right-of-way crosses the common State of North Carolina and Penland boundary line; thence continuing along the State of North Carolina and Penland boundary line, Course #33, turning an interior angle of 180°00'00" to a bearing of S 74°31'53" E a distance of 17.28' to a 5/8" rebar set aluminum in the common State of North Carolina and Penland boundary line just south of the aforementioned gas line right-of-way; thence continuing with the common line of State of North Carolina and Penland, Course #34, turning an interior angle of 176°02'00" to a bearing of S 78°29'53" E a distance of 99.00' to an existing ¾" pinched-top iron pipe, a common corner of the Penland and the State of North Carolina properties; thence continuing to traverse along the aforementioned boundaries, Course #35, turning an interior angle of 165°31'00" to a bearing of S 64°00'53" E a distance of 240.32' to an existing ¾" pinched-top iron pipe on the eastern edge of a high transmission power line; thence continuing along the common boundary of the State of North Carolina and Penland properties, Course #36, turning an interior angle of 150°01'52" to a bearing of S 34°02'45" E a distance of 479.15' to an existing ¾" pinched-top iron pipe east of the power line right-of-way and a common corner of the State of North Carolina, Penland and the Wayne M. Bach Trustee, Whitener Family Trust property recorded in Deed Book 3043, Page 1116; thence leaving the Penland property and following the State of North Carolina and Whitener Family Trust property line, Course #37, turning an interior angle of 59°51'15" to a bearing of S 86°06'00" W a distance of 40.79' to an existing ¾" pinched-top iron pipe, a corner of the State of North Carolina property and the Whitener Family Trust property; thence continuing with the Whitener Family Trust and the State of North Carolina property, Course #38, turning an interior angle of 68°46'26" to a bearing of S 25°07'34" E a distance of 1300.44' to an existing ½" iron pipe in the cross-country electric power transmission line right-of-way and being a corner of the Whitener Family Trust property, the southeast corner of the State of North Carolina property, and a corner of the Ricky Allen Shook and wife, Mary Shortt Shook property recorded in Deed Book 1393, Page 756; thence leaving the Whitener Family Trust property and traversing along the State of North Carolina and Shook property line, Course #39, turning an interior

angle of  $95^{\circ}46'02''$  to a bearing of  $S 59^{\circ}06'24'' W$  a distance of 283.09' to an existing angle iron on the east edge of a 45' right-of-way, the northeast corner of the James Ray York and wife, Margaret A. York property recorded in Deed Book 1802, Page 624 and illustrated as Lot E recorded in Plat Book 31, Page 175, the northwest corner of the Shook property and a corner in the State of North Carolina boundary line; thence traversing along the York and the State of North Carolina boundary line, Course #40, turning an interior angle of  $179^{\circ}47'18''$  to a bearing of  $S 59^{\circ}19'05'' W$  a distance of 258.24' to a 5/8" rebar set with an aluminum cap in the York and the State of North Carolina boundary line; thence leaving the York line and traversing into the State of North Carolina property, Course #41, turning an interior angle of  $107^{\circ}04'25''$  to a bearing of  $N 47^{\circ}45'20'' W$  a distance of 28.83' to a 5/8" rebar set with an aluminum cap inside the State of North Carolina boundary; thence continuing through the State of North Carolina property, Course #42, turning an interior angle of  $94^{\circ}09'09''$  to a bearing of  $S 46^{\circ}23'50'' W$  a distance of 60.71' to a 5/8" rebar set with an aluminum cap inside the State of North Carolina boundary, Course #43, turning an interior angle of  $87^{\circ}11'13''$  to a bearing of  $S 46^{\circ}24'58'' E$  a distance of 14.53' to a 5/8" rebar set with an aluminum cap in the northern York boundary and the southern State of North Carolina boundary; thence with the York and the State of North Carolina boundary, Course #44, turning an interior angle of  $74^{\circ}15'57''$  to a bearing of  $S 59^{\circ}19'05'' W$  a distance of 181.23' to an existing angle iron, the common corner of York, the Nattie Propst property recorded in Deed Book 3736, Page 1350 and a bend in the State of North Carolina boundary; thence with the State of North Carolina and Propst boundary line, Course #45, turning an interior angle of  $177^{\circ}44'04''$  to a bearing of  $S 57^{\circ}03'09'' W$  a distance of 111.45' to an existing 1/2" iron pipe a common corner of the said Propst property and the State of North Carolina property boundary; thence with the Propst property line and the State of North Carolina boundary, Course #46, turning an interior angle of  $178^{\circ}10'55''$  to a bearing of  $S 58^{\circ}52'14'' W$  a distance of 213.56' to a 5/8" rebar set in the State of North Carolina and Propst boundary where the Piedmont Natural Gas line right-of-way recorded in Deed Book 3417, Page 1085 crosses; thence continuing with the Propst and the State of North Carolina common boundary, crossing into the Christopher F. Malinoski and wife, Amy F. Malinoski property recorded in Deed Book 3731, Page 309, Course #47, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $S 58^{\circ}52'14'' W$  a distance of 77.78' to a 5/8" rebar set in the opposite side of the aforementioned right-of-way in the State of North Carolina and Malinoski boundary line; thence continuing with the Malinoski and the State of North Carolina boundary line, Course #48, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $S 58^{\circ}52'14'' W$  a distance of 60.79' to an existing 1/2" iron pipe the northwest corner of the aforementioned Malinoski boundary, the northeast corner of Malachi Morris property recorded in Deed Book 3840, Page 1704, Tract Two and being located in the State of North Carolina boundary; thence with the State of North Carolina and Morris boundary, Course #49, turning an interior angle of  $179^{\circ}50'05''$  to a bearing of  $S 59^{\circ}02'09'' W$  a distance of 36.32' to an existing 3/4" iron pipe, the northwest corner of the aforementioned Morris property, the northeast corner of the Malachi Morris property recorded in Deed Book 3840, Page 1704, Tract One and a corner of the State of North Carolina property; thence continuing with the Morris and the State of North Carolina property, Course #50, turning an interior angle of  $137^{\circ}17'37''$  to a bearing of  $N 78^{\circ}15'29'' W$  a distance of 351.10' to a 5/8" rebar set with an aluminum cap on the bank of the Henry Fork River in the common line of Morris and the State of North Carolina; thence continuing with the Morris and the State of North Carolina properties Course #51, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $N 78^{\circ}15'29'' W$  a distance of 105.14' to a point located in the center of the Henry Fork River a common corner of Morris, the State of North Carolina and the Richard M. Griffin Family Limited Partnership property recorded in Deed Book 2012, Page 9 and listed as Tracts 1, 2, 3, 4, and 5; thence with the centerline of the Henry Fork River and the common line of the State of North Carolina and Griffin Family Limited Partnership, Course #52, turning an interior angle of  $45^{\circ}45'41''$  to a bearing of  $N 55^{\circ}58'50'' E$  a distance of 61.76' to a point in the center of the Henry Fork River and in the common line of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing the thread of the river and the common lines of the State of North Carolina and Griffin Family Limited Partnership, Course #53, turning an interior angle of  $169^{\circ}10'45''$  to a bearing of  $N 66^{\circ}48'05'' E$  a distance of 85.47' to a point in the center of the Henry Fork

River and the common boundary line of the State of North Carolina and Griffin Family Limited Partnership properties; thence continuing to traverse the center of the river, the State of North Carolina boundary and the Griffin Family Limited Partnership boundary lines, Course #54, turning an interior angle of  $160^{\circ}10'25''$  to a bearing of  $N 46^{\circ}58'30'' E$  a distance of 65.80' to a point in the centerline of the Henry Fork River and the common corner of the State of North Carolina and Griffin Family Limited Partnership boundary; thence continuing with the center of the river, the State of North Carolina and Griffin Family Limited Partnership boundaries, Course #55, turning an interior angle of  $126^{\circ}04'20''$  to a bearing of  $N 06^{\circ}57'11'' W$  a distance of 66.22' to a point in the center of the Henry Fork River, the eastern edge of the Griffin Family Limited Partnership boundary and in the southwestern edge of the State of North Carolina property; thence continuing with the eastern boundary of the Griffin Family Limited Partnership tract, the southwestern portion of the State of North Carolina property, and the center of the Henry Fork River, Course #56, turning an interior angle of  $152^{\circ}05'55''$  to a bearing of  $N 34^{\circ}51'16'' W$  a distance of 109.41' to a point located in the center of the Henry Fork River, a corner of the Griffin Family Limited Partnership tract, and a corner of the State of North Carolina property; thence with the center of the river, and the common lines of the State of North Carolina and Griffin Family Limited Partnership, Course #57, turning an interior angle of  $161^{\circ}43'28''$  to a bearing of  $N 53^{\circ}07'48'' W$  a distance of 120.25' to a point in the centerline of the Henry Fork River, said point being a corner in the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing with the Griffin Family Limited Partnership and State of North Carolina boundaries in the centerline of the Henry Fork River, Course #58, turning an interior angle of  $170^{\circ}27'14''$  to a bearing of  $N 62^{\circ}40'34'' W$  a distance of 108.28' to a point in the center of the Henry Fork River, a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the thread of the Henry Fork River, which is the natural boundary line between the State of North Carolina and Griffin Family Limited Partnership properties, Course #59, turning an interior angle of  $159^{\circ}35'14''$  to a bearing of  $N 83^{\circ}05'20'' W$  a distance of 106.59' to a point in the center of the Henry Fork River, a common corner of the aforementioned Griffin Family Limited Partnership and the State of North Carolina boundaries; thence continuing to traverse the center of the river, the common line between the State of North Carolina and Griffin Family Limited Partnership boundary, Course #60, turning an interior angle of  $172^{\circ}17'13''$  to a bearing of  $S 89^{\circ}11'54'' W$  a distance of 262.74' to a point in the center of the Henry Fork River, the common corner between the State of North Carolina and Griffin Family Limited Partnership; thence continuing along the centerline of the Henry Fork River, the common boundary line between the State of North Carolina and Griffin Family Limited Partnership, Course #61, turning an interior angle of  $168^{\circ}17'14''$  to a bearing of  $N 79^{\circ}05'20'' W$  a distance of 133.11' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline of the Henry Fork River and the aforementioned Griffin Family Limited Partnership and the State of North Carolina boundaries, Course #62, turning an interior angle of  $177^{\circ}18'38''$  to a bearing of  $N 76^{\circ}23'58'' W$  a distance of 150.67' to a point in the centerline of the Henry Fork River, the common dividing line between the State of North Carolina and Griffin Family Limited Partnership tracts; thence continuing to traverse the centerline of the aforementioned river, Course #63, turning an interior angle of  $173^{\circ}48'53''$  to a bearing of  $N 70^{\circ}12'51'' W$  a distance of 360.62' to a point in the center of the river, a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline thread of the river, which is the common boundary between the State of North Carolina and Griffin Family Limited Partnership parcels, Course #64, turning an interior angle of  $171^{\circ}45'39''$  to a bearing of  $N 78^{\circ}27'12'' W$  a distance of 119.58' to a point in the center of the river and a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline of the river, which is the common boundary line between the State of North Carolina and Griffin Family Limited Partnership tracts, Course #65, turning an interior angle of  $167^{\circ}39'27''$  to a bearing of  $S 89^{\circ}12'15'' W$  a distance of 90.71' to a point in the centerline of the Henry Fork River and a corner in the aforementioned State of North Carolina and Griffin Family Limited Partnership boundary lines; thence continuing along the

center thread of the Henry Fork River and the common boundary of the State of North Carolina and Griffin Family Limited Partnership, Course #66, turning an interior angle of  $168^{\circ}34'14''$  to a bearing of  $S 77^{\circ}46'30'' W$  a distance of 77.34' to a point in the center of the Henry Fork River; thence continuing to traverse along the center of the Henry Fork River and following the State of North Carolina boundary, and crossing out of the aforementioned Griffin Family Limited Partnership boundary and crossing into the property of the Richard M. Griffin Family Limited Partnership recorded in Deed Book 2996, Page 875, Course #67, turning an interior angle of  $161^{\circ}43'31''$  to a bearing of  $S 59^{\circ}30'01'' W$  a distance of 320.19' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina property and the Griffin Family Limited Partnership property; thence continuing with the center of the river, the State of North Carolina property and the Griffin Family Limited Partnership, Course #68, turning an interior angle of  $148^{\circ}15'17''$  to a bearing of  $N 88^{\circ}45'17'' W$  a distance of 57.96' to a point in the centerline of the Henry Fork River and the common line of the State of North Carolina and the Griffin Family Limited Partnership; thence continuing with the common line of the State of North Carolina and the Partnership as it meanders through the center of the river, Course #69, turning an interior angle of  $168^{\circ}50'17''$  to a bearing of  $N 77^{\circ}35'33'' W$  a distance of 64.49' to a point in the center of the Henry Fork River and the common corner between the State of North Carolina and the Partnership properties; thence continuing to follow the center of the river and the aforementioned lines, Course #70, turning an interior angle of  $164^{\circ}25'47''$  to a bearing of  $N 62^{\circ}01'21'' W$  a distance of 54.09' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Partnership boundaries; thence continuing to follow the thread of the river and traverse the State of North Carolina and Partnership boundaries, Course #71, turning an interior angle of  $174^{\circ}30'44''$  to a bearing of  $N 56^{\circ}32'05'' W$  a distance of 138.77' to a point in the center of the Henry Fork River and a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundary; thence continuing to follow along the centerline of the Henry Fork River and the common lines of the State of North Carolina and the Griffin Family Limited Partnership, Course #72, turning an interior angle of  $171^{\circ}58'48''$  to a bearing of  $N 64^{\circ}33'17'' W$  a distance of 276.79' to a point in the centerline of the Henry Fork River and a common corner of the aforementioned boundaries; thence continuing to follow the centerline and thread of the Henry Fork River, which is the monument between the State of North Carolina and Griffin Family Limited Partnership boundaries, Course #73, turning an interior angle of  $177^{\circ}17'09''$  to a bearing of  $N 61^{\circ}50'26'' W$  a distance of 257.54' to a point in the center of the Henry Fork River and a common corner between the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the center of the river, Course #74, turning an interior angle of  $175^{\circ}38'47''$  to a bearing of  $N 66^{\circ}11'39'' W$  a distance of 187.26' to a point in the centerline of the Henry Fork River and a common corner of the State of North Carolina property and the Griffin Family Limited Partnership property; thence continuing to navigate the center of the river, the common line between State of North Carolina and the Griffin Family Limited Partnership, Course #75, turning an interior angle of  $177^{\circ}59'06''$  to a bearing of  $N 64^{\circ}10'44'' W$  a distance of 130.15' to a point in the center of the river and a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the center of the river and the aforementioned boundaries, Course #76, turning an interior angle of  $169^{\circ}36'04''$  to a bearing of  $N 74^{\circ}34'40'' W$  a distance of 113.69' to a point in the center of the Henry Fork River and being a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the centerline of the river and along the common boundary of the State of North Carolina and the Griffin Family Limited Partnership boundary; Course #77, turning an interior angle of  $171^{\circ}54'44''$  to a bearing of  $N 82^{\circ}39'56'' W$  a distance of 128.29' to a point in the centerline of the Henry Fork River and a common corner of the State of North Carolina and the Griffin Family Limited Partnership boundaries; thence with the thread and centerline of the Henry Fork River, which is also the common boundary of the State of North Carolina and the Griffin Family Limited Partnership properties, Course #78, turning an interior angle of  $171^{\circ}32'32''$  to a bearing of  $S 88^{\circ}52'36'' W$  a distance of 128.52' to a point in the center of the river and is a common corner of the adjoining boundaries; thence continuing to follows the centerline of the Henry Fork River and the common boundary, Course



#79, turning an interior angle of  $170^{\circ}30'13''$  to a bearing of  $S 79^{\circ}22'49'' W$  a distance of 102.54' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Griffin Family Limited Partnership properties; thence continuing with the centerline of the Henry Fork River and common aforementioned boundaries, Course #80, turning an interior angle of  $162^{\circ}58'42''$  to a bearing of  $N 83^{\circ}35'53'' W$  a distance of 77.79' to a point in the center of the Henry Fork River and a common corner of the aforementioned properties; thence leaving the center of the river and following the State of North Carolina and the Griffin Family Limited Partnership property boundaries, Course #81, turning an interior angle of  $117^{\circ}20'26''$  to a bearing of  $S 33^{\circ}44'33'' W$  a distance of 37.72' to an existing 1" iron pipe, a corner of the State of North Carolina tract, a corner of the Dale Calloway, Minor, Curtis Calloway, Minor, and James B Trapp, Jr., Guardian ad Litem property recorded in Deed Book 1435, Page 787, Tract 3 and a point in the aforementioned Griffin Family Limited Partnership property; thence following the State of North Carolina and Calloway properties and being on the west side of the Henry Fork River, Course #82, turning an interior angle of  $80^{\circ}56'50''$  to a bearing of  $N 47^{\circ}12'16'' W$  a distance of 204.41' to a 5/8" rebar set with an aluminum cap on the west bank of the Henry Fork River and a common corner of the State of North Carolina and Calloway properties; thence continuing to follow the line of Calloway and the State of North Carolina properties along the west bank of the Henry Fork River, Course #83, turning an interior angle of  $149^{\circ}50'41''$  to a bearing of  $N 17^{\circ}02'57'' W$  a distance of 304.52' to an existing 1 1/2" iron pipe, the common corner of Calloway, the remaining portion of the Dale Calloway and Joelle Moose property recorded in Deed Book 1995, Page 775, and the State of North Carolina tract; thence with the Calloway-Moose and the State of North Carolina boundary line, Course #84, turning an interior angle of  $148^{\circ}08'54''$  to a bearing of  $N 14^{\circ}48'08'' E$  a distance of 277.60' to an existing 5/8" rebar on the west bank of the Henry Fork River and being a common corner of the State of North Carolina and Calloway properties; thence continuing to follow the State of North Carolina and Calloway boundary line, Course #85, turning an interior angle of  $162^{\circ}21'19''$  to a bearing of  $N 32^{\circ}26'49'' E$  a distance of 368.13' to an existing 15" Sycamore tree which is dead with about only 6' of the trunk remaining and having a 5/8" rebar with an aluminum cap set  $S 53^{\circ}06'01'' W$  a distance of 20.00' from the center of the tree, said tree is in the line of the City of Hickory property recorded in Deed Book 2041, Page 1400; thence with the City of Hickory property and the State of North Carolina tract, Course #86, turning an interior angle of  $159^{\circ}20'49''$  to a bearing of  $N 53^{\circ}06'01'' E$  a distance of 88.27' to a point in the center of the Henry Fork River and in the common boundary of the City of Hickory and the State of North Carolina tract; thence with the center of the river and the common boundary line of the City of Hickory and the State of North Carolina tract, Course #87, turning an interior angle of  $20^{\circ}24'31''$  to a bearing of  $S 32^{\circ}41'30'' W$  a distance of 239.23' to a point in the center of the river and being a common corner of the City of Hickory and the State of North Carolina tract; thence with the City of Hickory and State of North Carolina tracts, Course #88, turning an interior angle of  $22^{\circ}45'45''$  to a bearing of  $N 55^{\circ}27'15'' E$  a distance of 183.70' to a 5/8" rebar set where the City of Hickory and the State of North Carolina boundaries cross a sanitary sewer line and easement; thence continuing along the City of Hickory and the State of North Carolina tract boundaries, Course #89, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $N 55^{\circ}27'15'' E$  a distance of 506.00' to a 5/8" rebar set with an aluminum cap at the natural gas right-of-way line; thence continuing along the common boundary of the City and State tracts, Course #90, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $N 55^{\circ}27'15'' E$  a distance of 166.40' to a DuraNail set in the intersection of the gas line right-of-way and the common boundary line; thence continuing with the common boundary line of the City of Hickory and the State of North Carolina tract, Course #91, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $N 55^{\circ}27'15'' E$  a distance of 71.02' to a 5/8" rebar set with an aluminum cap at the gas line right-of-way where it crosses the common boundary line; thence continuing along the common boundary line, Course #92, turning an interior angle of  $180^{\circ}00'00''$  to a bearing of  $N 55^{\circ}27'15'' E$  a distance of 803.58' to an existing 1" iron pipe (disturbed), said iron pipe being a common corner between the City of Hickory and the State of North Carolina tract; thence continuing to traverse the common boundary line of the City of Hickory and the State of North Carolina tracts, Course #93, turning an interior angle of  $128^{\circ}16'16''$  to a bearing of  $N 03^{\circ}43'32'' E$  a distance of 589.02' to an existing 3/4" iron pipe in the common boundary line and

being a corner of the State of North Carolina; thence with the City of Hickory boundary and the State of North Carolina boundary, Course #94, turning an interior angle of 177°13'59" to a bearing of N 06°29'32" E a distance of 35.72' to an existing ¾" iron pipe, the southeast corner of the Ronald Scot Shuford property recorded in Deed Book 1945, Page 1293, Tract Two, the northeast corner of the City of Hickory property and in the State of North Carolina line; thence with the Shuford and State of North Carolina lines, Course #95, turning an interior angle of 179°54'31" to a bearing of N 06°35'02" E a distance of 305.40' to an existing angle iron, the northeast corner of Tract One of the aforementioned Shuford deed, said angle iron is in the State of North Carolina line and is also the southeast corner of the Dennis Stewart Cloer and Darren Andrew Cloer property recorded in Deed Book 3719, Page 715 and illustrated as Lots 21-28, Block "B" of Plat Book 9, Page 24; thence with the State of North Carolina boundary and crossing the Cloer property, the Robert E. Kaylor and wife, Karen H. Kaylor property recorded in Deed Book 1968, Page 27 and illustrated as Lots 13-20 of Block "B" in Plat Book 9, Page 24, the Janet Reinhardt Burselson property recorded in Deed Book 1605, Page 164 and illustrated as Lots 5-12 of Block "B" recorded in Plat Book 9, Page 24, and the Jonathan Andrew Harrington and Devin Alexis Willams property recorded in Deed Book 3588, Page 844 as Lots 1-4 of Block "B" and illustrated in Plat Book 9, Page 24, Course #96, turning an interior angle of 179°31'43" to a bearing of N 07°03'19" E a distance of 728.21' to a 5/8" rebar set with an aluminum cap at the northeast corner of the Harrington-Willams parcel and the south side of a 60' right-of-way dedicated in Plat Book 9, Page 24 and being in the State of North Carolina tract Line; thence continuing the same course and crossing the 60' right-of-way, along the State of North Carolina tract boundary line, Course #97, turning an interior angle of 180°00'00" to a bearing of N 07°03'19" E a distance of 60.00' to a 5/8" rebar set with an aluminum cap on the north edge of the aforementioned 60' right-of-way and at the southeast corner of the Steven Clay Shuford property recorded in Deed Book 2928, Page 1209 and being illustrated as Lots 18-23 of Block "A" of the aforementioned Plat Book 9, Page 24; thence with the State of North Carolina tract, crossing the Shuford lots, the Scottish Brothers Investments, LLC property recorded in Deed Book 3803, Page 612 and illustrated as Lots 14-17 of Block "A" on the aforementioned recorded plat, the Dietz & Dietz Realty, LLC property recorded in Deed Book 3575, Page 1231 being illustrated as Lots 9-13 of Block "A" as illustrated on the aforementioned plat, the Jeffrey S. Stoker and wife, Tinita C. Stoker property recorded in Deed Book 2007, Page 1509 and illustrated as Lots 5-8 of Block "A" on the aforementioned plat, the Jeffrey Scott Stoker property as recorded in Deed Book 1999, Page 1148 and illustrated as Lots 3 and 4 of Block "A" of said plat, and the Jeffrey Scott Stoker property recorded in Deed Book 1769, Page 689 and illustrated as lots 1 and 2 of Block "A" of said plat, Course #98, turning an interior angle of 180°00'00" to a bearing of N 07°03'19" E a distance of 593.78' to a ¾" iron pipe the northeast corner of Lot 1 as owned by Jeffrey Stoker; which is the point of BEGINNING having an area of 13,259,413 square feet or 304.39 acres and being shown on a plat by Suttles Surveying, P.A. dated, February 26th, 2024 and having map file number 14314B.



2/26/2024



## North Carolina State Property

### What We Do

The State Property Office manages state property transactions on behalf of state agencies through deeds, leases, easements, licenses, eminent domain, or otherwise. It also administers the state's unappropriated and submerged lands.

The office maintains an inventory of state-owned lands and buildings, as well as leased spaces for use by state agencies. The division carries out its work with internal three sections:

- Real Property Section
- Leasing and Space Planning
- Facilities Information Section

Read our professional services brochure  
(<https://ncadmin.nc.gov/documents/files/professional-services-brochure-0/open>) →

Meet the State Propert...





## **Pamela B. Cashwell**

*Secretary*

☎ [984-236-0000](tel:984-236-0000) (tel:984-236-0000)

Governor Roy Cooper named Pamela Brewington Cashwell Secretary of the North Carolina Department of Administration in April 2021.

<https://ncadmin.nc.gov/about-doa/leadership/pamela-b-cashwell>

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

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

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

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

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

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on April 2, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

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

Property of the State of North Carolina containing 304.39-acres more or less, located at 2319 6<sup>th</sup> Street SE, PIN 3711-13-03-6026.

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

\_\_\_\_\_  
Hank Guess  
Mayor

\_\_\_\_\_  
Warren Wood, City Manager

Approved As To Form:

\_\_\_\_\_  
Deputy City Attorney for the City of Hickory

## RESOLUTION NO. 24-\_\_\_

### A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY THE STATE OF NORTH CAROLINA AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, the State of North Carolina is the owner of certain real property as described herein, which property is located at 2319 6<sup>th</sup> Street SE, Hickory NC, and identified as PIN 3711-13-03-6026, containing 304.39-acres more or less; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 19<sup>th</sup> day of March 2024 at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

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

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

Section 3: The same being that property reflected on map entitled State of NC (State Park), Voluntary Non-Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; State of NC (State Park), Voluntary Non-Contiguous Annexation Map 2, Current City Zoning, subject property outlined in red; State of NC (State Park), Map 3, Aerial Photography, subject property outlined in red.

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

Resolution No. 24-\_\_\_

**Resolution Determining Need For Annexation Of Property Owned by  
The State of North Carolina, and Directing the Call for Public Hearing  
March 2024**

Done this 2<sup>nd</sup> day of April, 2024.

**(SEAL)**

**THE CITY OF HICKORY, A**  
North Carolina Municipal Corporation

**Attest:**

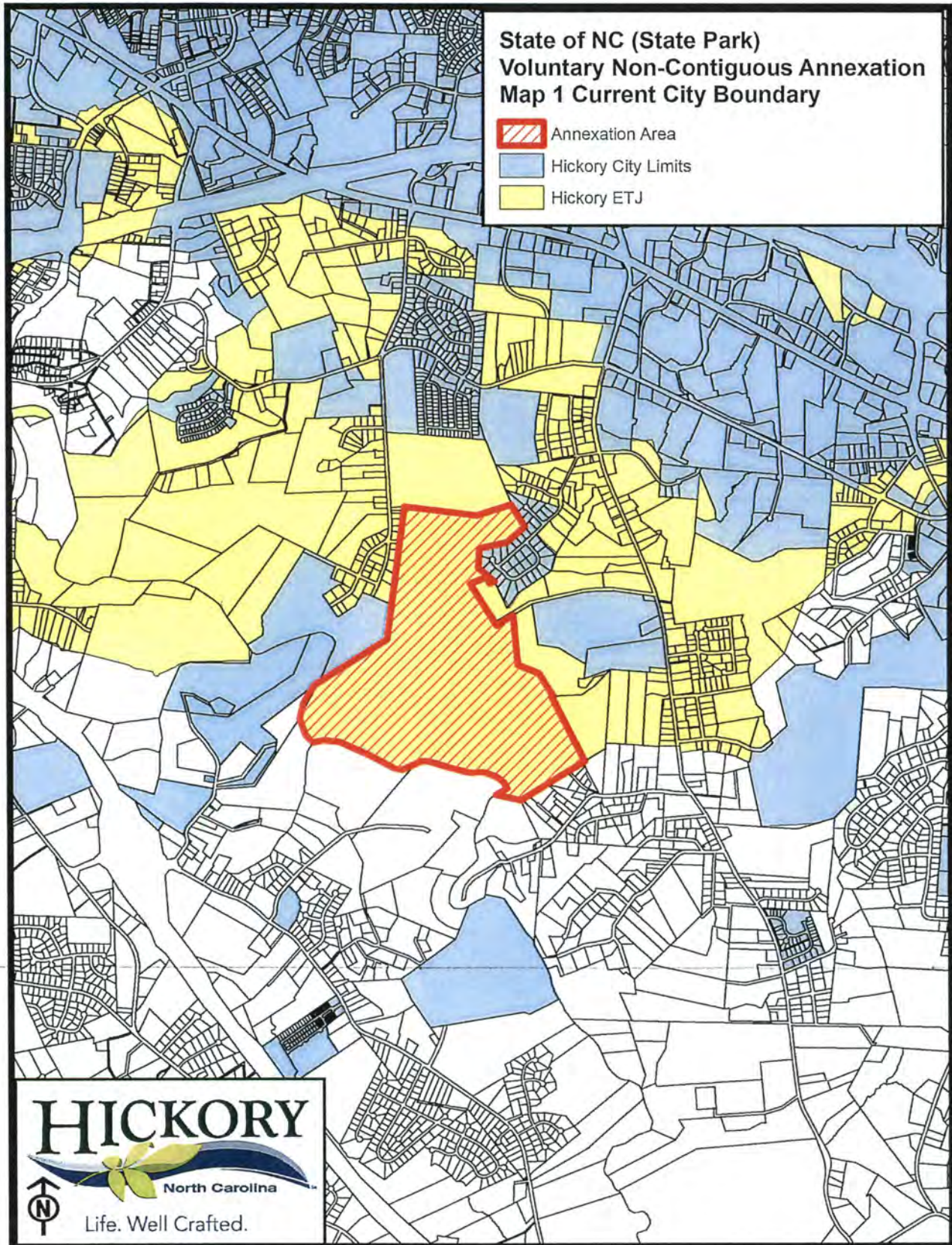
By: \_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

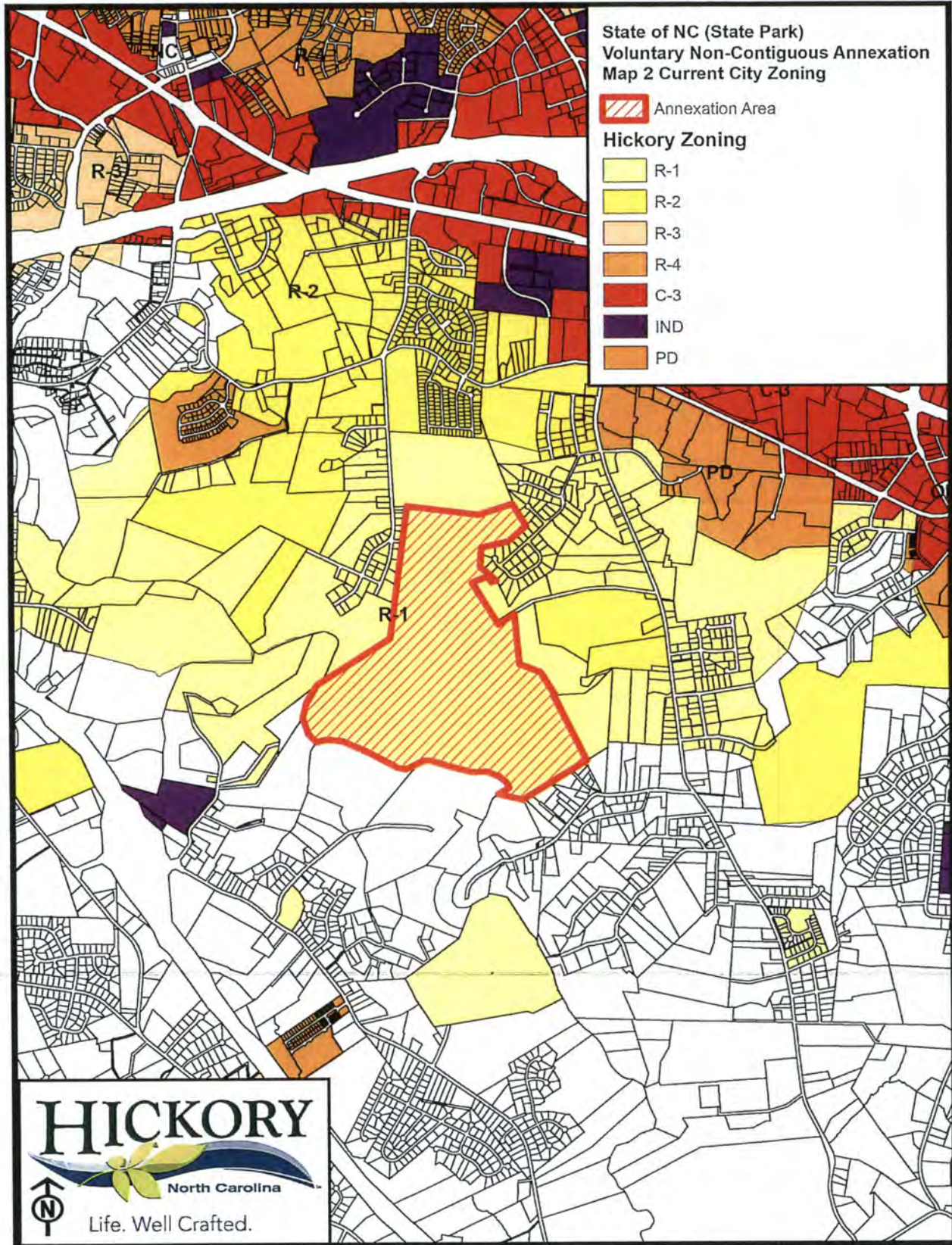
Approved as to form on behalf of the City of Hickory:

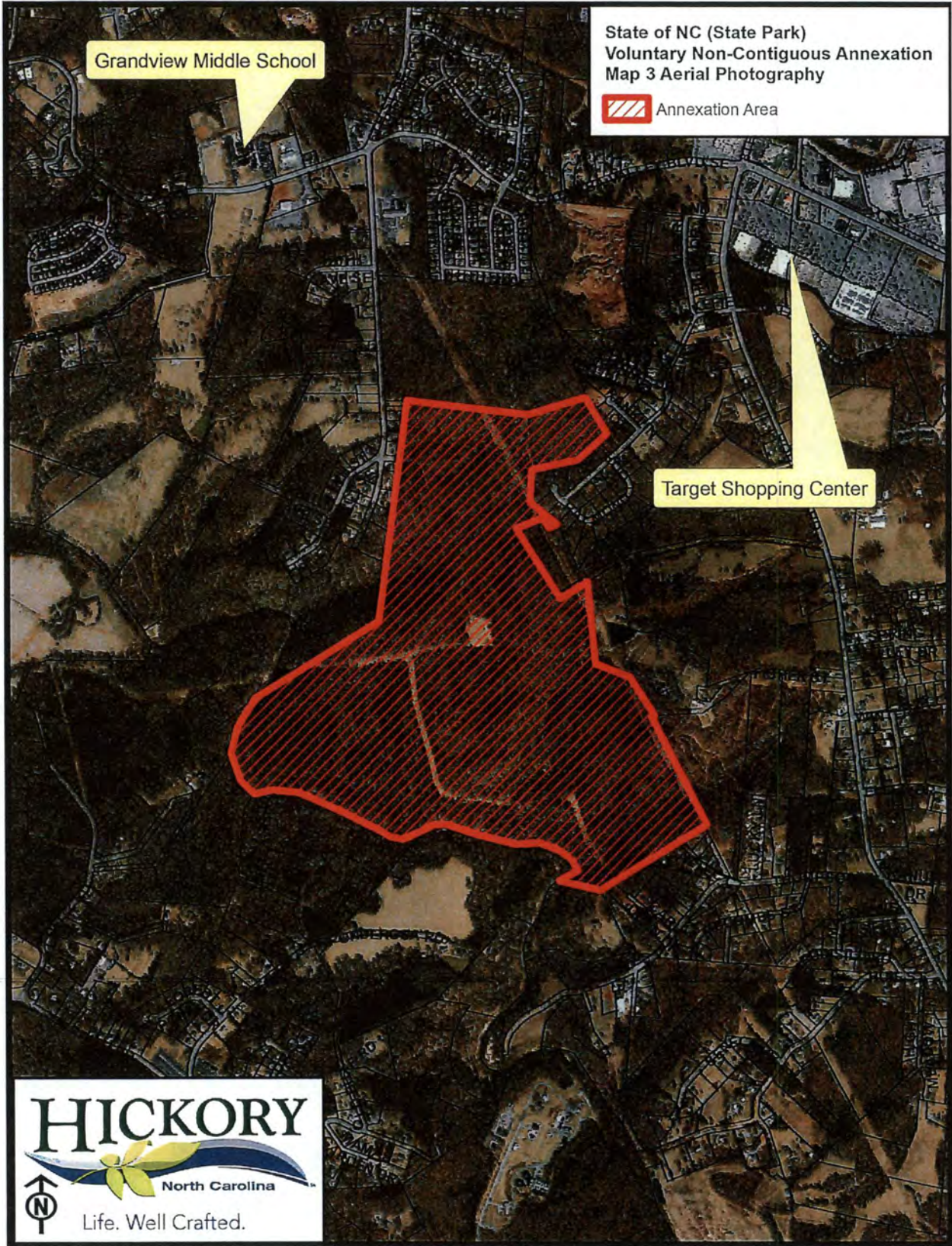
\_\_\_\_\_  
Arnita Dula, Deputy City Attorney

**Resolution No. 24-\_\_\_\_**  
**Resolution Determining Need For Annexation Of Property Owned by**  
**The State of North Carolina, and Directing the Call for Public Hearing**  
**March 2024**









**VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS**

**APPLICANT:** State of North Carolina.

**AGENT:** Pamela B. Caswell, Secretary, Department of Administration.

**PROPERTY LOCATION:** 2319 6<sup>th</sup> Street SE.

**PIN:** 3711-10-03-6026.

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

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

**ACREAGE:** 304.39 acres.

**DEVELOPMENT POTENTIAL:** The property is currently owned by the State of North Carolina and slated to be a new state park. Finalized plans for improvements are still being worked out by the State of North Carolina.

**TAX VALUE:** The property is under the ownership of the State of North Carolina, and as such would not be taxable. The current listed tax value of the property is \$1,112,100. Prior to being owned by the State of North Carolina, the property was owned by the Foothills Land Conservancy. When the property was purchased by the Foothills Land Conservancy in 2020, the tax value was listed at \$575,500.00.

**POPULATION INCREASES:** The property is intended to be utilized as a state park. Population increases from such a use would not be expected unless the park is staff by a resident ranger.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Hickory City School System, and located in the following school districts:

School Type	School District	Student Multiplier Per Dwelling	Number of Potential or Existing Dwelling Units	Potential Additional Students
Elementary	Longview / SW	0.20	0	0
Middle	Grandview	0.09	0	0
High	Hickory	0.10	0	0

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

**SURROUNDING ZONING AND LAND USE (See Maps 2 & 3):** All surrounding properties are zoned R-1 and R-20 Residential, and are either occupied by residences or vacant / farmland.

**UTILITY SERVICE:** The proposed annexation area has several sewer lines that run across the property. There are no capacity concerns based on the proposed use. Water is not immediately adjacent to the site, but is available on Robinson Rd and Timberland Hills Dr. Any water and sewer main extensions needed to serve the annexation area will be the responsibility of the State.

**ACCESS:** Access to the subject property is from 6<sup>th</sup> Street SE, which is maintained by the North Carolina Department of Transportation (SR 1171).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is +/- 970 linear feet south of the nearest proper city boundary.

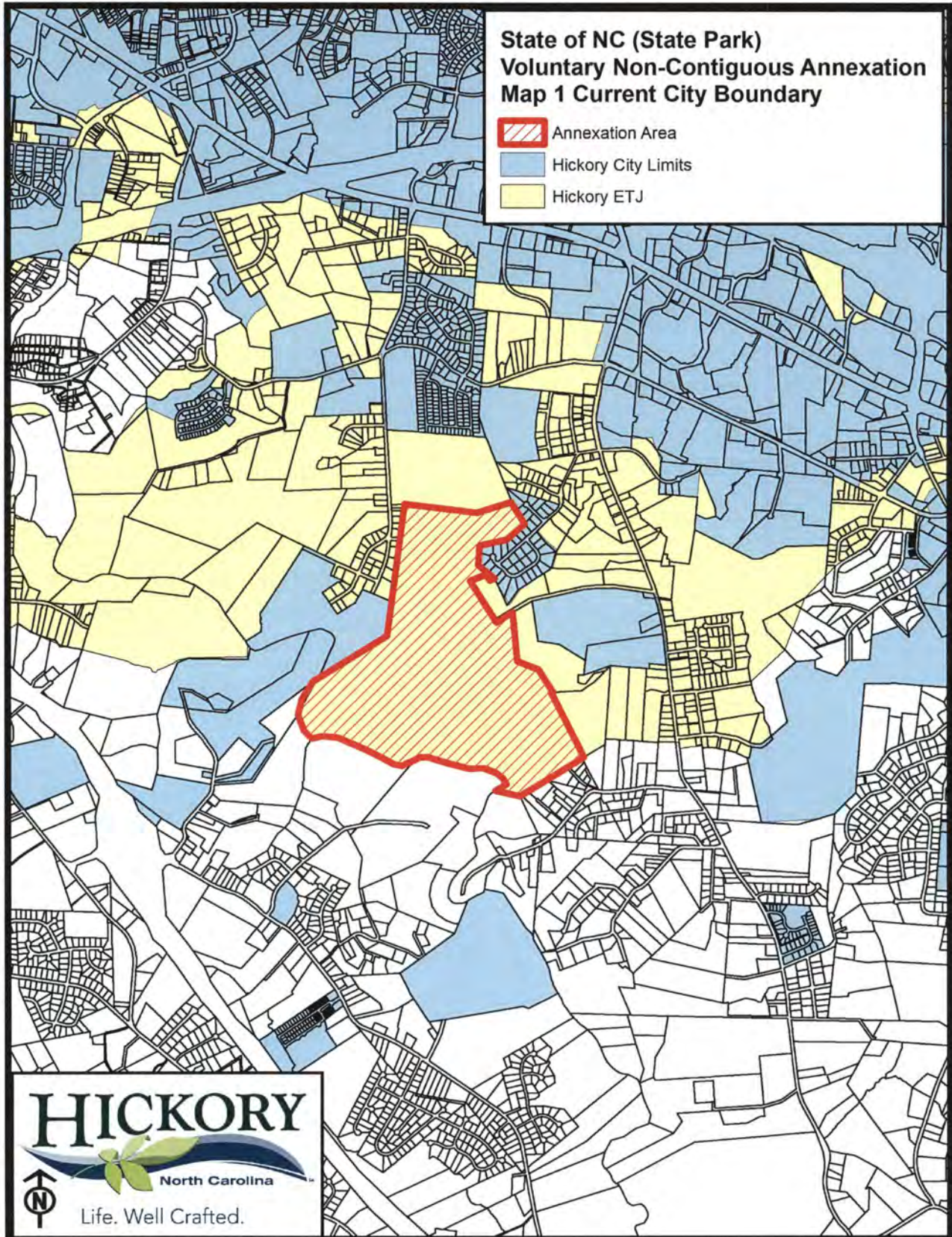
**STAFF COMMENTS:**

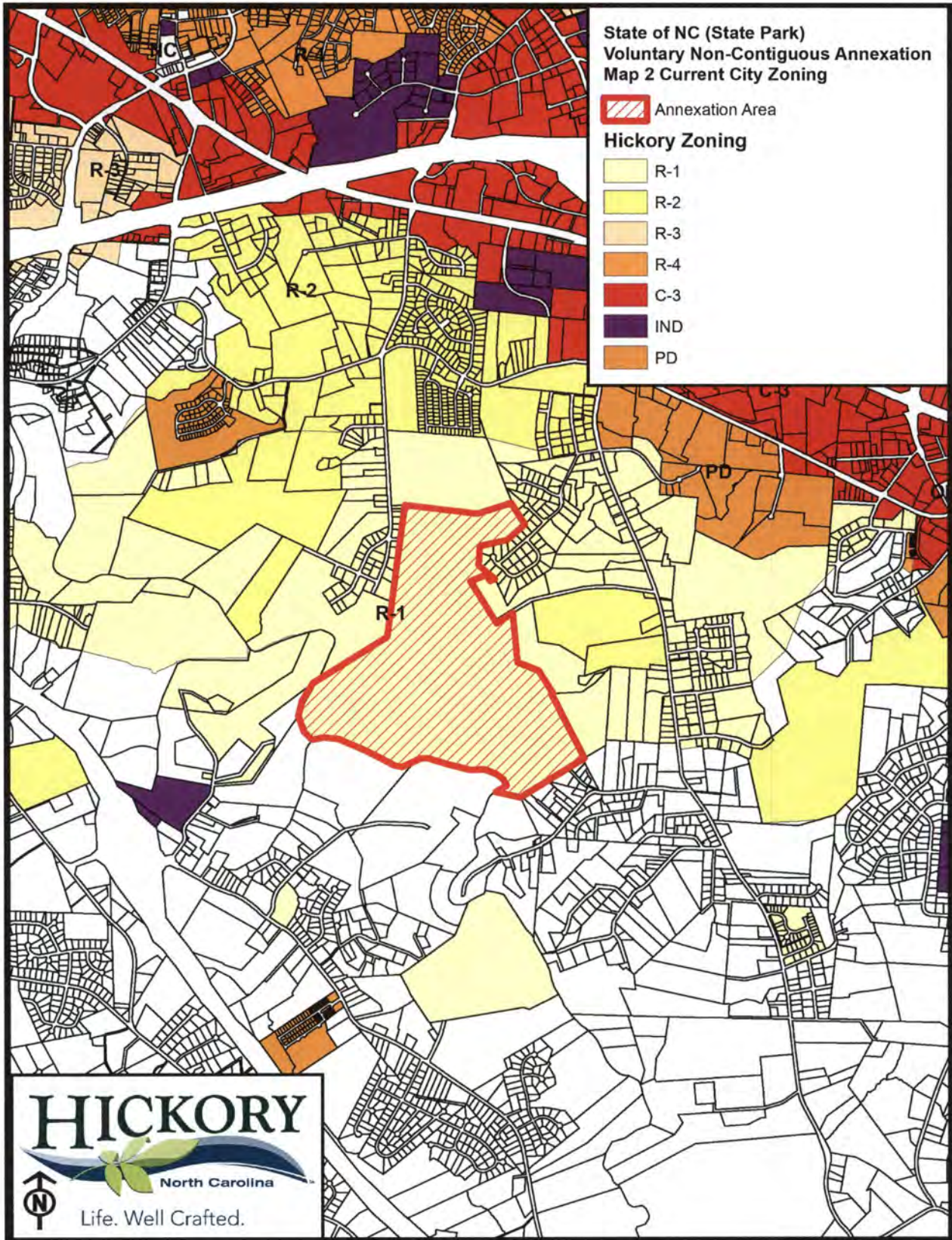
- Fire: Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 7's response area.
- Police Department: On-going staffing is a concern with annexation of the proposed state park. Without knowing how the proposed state park will operate, or if on-site state park staff will be assigned to the facility, certainty of its impact on law enforcement cannot be gauged.
- Engineering: No objections.
- Planning: No objections.
- Public Services: No objections.
- Public Utilities: The proposed annexation area has several sewer lines that run across the property. There are no capacity concerns based on the proposed use. Water is not immediately adjacent to the site, but is available on Robinson Rd and Timberland Hills Dr. Any water and sewer main extensions needed to serve the annexation area will be the responsibility of the State.
- Legal: No objections.
- City Manager's Office: No objections.

**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

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

Based upon the findings provided above, staff recommends City Council approve the voluntary contiguous annexation petition, while considering the concern of the Hickory Police Department.









7

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Dave Leonetti, Business and Community Development Manager

Contact Person: Dave Leonetti, Business and Community Development Manager

Date: March 7, 2024

Re: Application for funding through NC Department of Commerce's Rural Downtown Economic Development Program.

**REQUEST**

Staff requests approval to apply for up to \$850,000 through the NC Department of Commerce's Rural Downtown Economic Development Program.

**BACKGROUND**

The North Carolina Department of Commerce has recently advertised a program to provide grant funding for economic development. Since Hickory is located within a tier 2 county, as defined by the NC Department of Commerce, the City is eligible to apply for up to \$850,000 in funding for improvements to the downtown area. The program provides funding for streetscape improvements and other downtown development projects.

**ANALYSIS**

Staff proposes applying for funding to upgrade the streetscapes on Government Avenue from 1<sup>st</sup> Street SW and 3<sup>rd</sup> Street SW and 1<sup>st</sup> Avenue NW between N Center Street a 2<sup>nd</sup> Street NW. These upgrades will include bulb-outs, improved outdoor spaces, and lighting to match the existing streetscapes in the downtown area. The grant requires a 5 percent match from the City of Hickory. The exact amount of the application will be determined by the preliminary estimate for the project in accordance with program guidelines.

**RECOMMENDATION**

Staff recommends council authorize the City Manager to apply and execute all documents related to the grant application.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

David Leonetti

Initiating Department Head

3-7-24

Date

Anita M. Dula

Deputy City Attorney, A. Dula

3-11-24

Date

Rodney Miller

Asst. City Manager, R. Miller

3/11/24

Date

Phil Deach

Asst. City Manager, R. Beasley

3/13/24

Date

Melissa Miller

Finance Officer, Melissa Miller

3/13/24

Date

Cameron McLaughlin

3-12-24

Date

Yvonne O'Connell  
ACM

3/12/24

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

Warren Wood

City Manager-Warren Wood

3.13.2024

Date

City of Hickory Resolution 24-\_\_\_\_  
Application for North Carolina Department of  
Commerce Rural Downtown Economic Development  
Grant Fund Main Street & Rural Planning Center  
Downtown Streetscape Improvements

WHEREAS, the Hickory City Council has indicated its desire to assist in development efforts in downtown Hickory; and,

WHEREAS, the Hickory City Council fully supports the proposed Downtown Streetscape project which will result in the improvement of the streetscapes of Government Avenue SW and 1<sup>st</sup> Avenue NW in downtown Hickory; and,

WHEREAS, the Hickory City Council wished to pursue a formal application for the Rural Downtown Economic Development Grant in the amount of \$850,000 from the North Carolina Department of Commerce, Main Street & Rural Planning Center; and,

WHEREAS, the Hickory City Council is aware that the program requires 5 percent matching funds; and,

NOW, THEREFORE, BE IT RESOLVED, by the Hickory City Council;

That the City Manager is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Downtown Economic Development Grant Fund, Main Street & Rural Planning Center in order to provide assistance to downtown streetscape improvements.

That this Resolution shall take effect immediately upon its adoption.

Adopted this the \_\_\_\_ day of March, 2024 in Hickory, North Carolina.

(SEAL)

By: \_\_\_\_\_  
Hank Guess, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Miller, City Clerk

Approved as to Form:

\_\_\_\_\_  
Attorney for the City of Hickory

9

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**  
**From: Community Appearance Commission**  
**Contact Person: Wilson Elliott, Planning Department**  
**Date: March 7, 2024**  
**Re: Community Appearance Grant –Marshall Kim Harkins**

**REQUEST**

The Community Appearance Commission recommends City Council approval of a Community Appearance Grant for non-residential property owned by Marshall Kim Harkins and occupied by a commercial building, located at 266 1<sup>st</sup> Ave NW in the amount of \$7,500.00.

**BACKGROUND**

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

**ANALYSIS**

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

The applicant has provided two (2) estimates for the work listed above, the lowest estimates for the work totals \$14,145.00. If the Commission moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500.00 grant.

The subject property's current tax value is assessed at \$276,100.00. The requested grant amounts to 2% of the property's tax value.

**RECOMMENDATION**

The application was reviewed by the Community Appearance Commission. After consideration the Commission scored the application at 30 points out of a possible 36 points, which placed the application into the high category of scoring. Given the score, the Commission unanimously recommends funding of the grant application in the amount of \$7,500.00.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian M. Frazier  
Initiating Department Head

3/7/2024  
Date

Aunta M. Dula  
Deputy City Attorney, A. Dula

3-11-24  
Date

Rodney Miller  
Asst. City Manager, R. Miller

3/11/24  
Date

Rob Deas  
Asst. City Manager R. Beasley

3/13/24  
Date

M. Miller  
Finance Officer, M. Miller

3/13/24  
Date

Cameron McHargue  
Deputy Finance Officer,  
Cameron McHargue

3-12-24  
Date

Yaidee Fox  
Asst City Manager, Yaidee Fox

3/12/24  
Date

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

W. Wood  
City Manager, W. Wood

3.13.2024  
Date



Life. Well Crafted.

Office of Business Development

**MEMORANDUM**

To: Hickory City Council

From: Community Appearance Commission

Re: Marshall Kim Harkins Community Appearance Grant

Marshall Kim Harkins has applied for a Community Appearance Grant. The proposal involves improvements to a commercial building located at 266 1<sup>st</sup> Avenue NW.


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

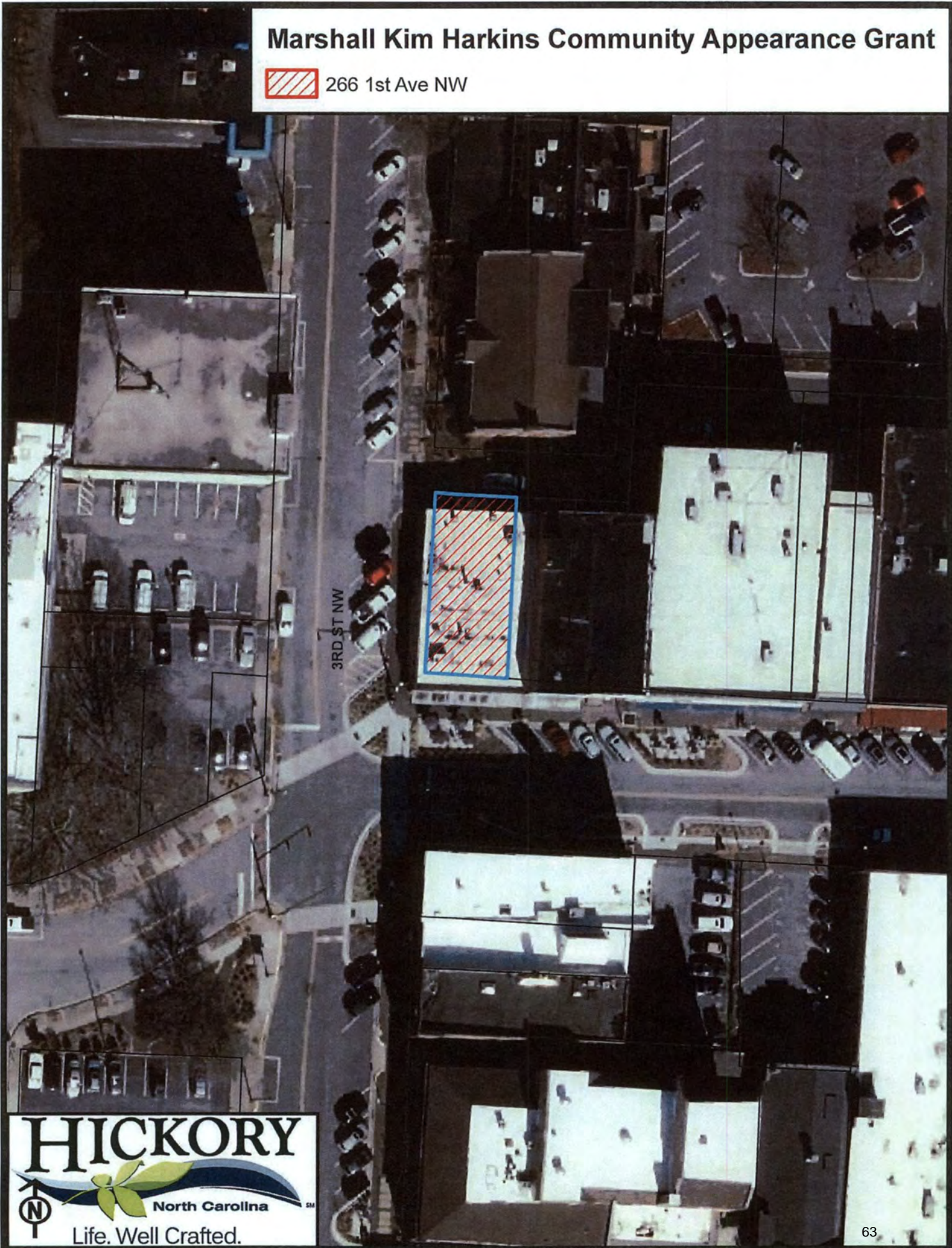
The applicant has provided two (2) estimates for the work listed above, the lowest estimates for the work totals \$14,145.00. If the Commission moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500.00 grant.

The subject property's current tax value is assessed at \$276,100.00. The requested grant amounts to 2% of the property's tax value.

Please refer to the attached materials for complete information.

# Marshall Kim Harkins Community Appearance Grant

 266 1st Ave NW



# HICKORY



Life. Well Crafted.

### Appearance Grant Application Form

Project Location Address: 266 + 268/25 Ave NW, 110 + 110B 3<sup>RD</sup> St NW  
(All one building, corner lot)

Applicant's Name: H + H of Hickory LLC  
Marshall Kim Harkins

Applicant's Mailing Address: 643 14<sup>TH</sup> Ave NW  
Hickory, NC 28601

Telephone: Day: same → Mobile: (828) 244-0797

E-mail address: mkharkins@gmail.com

Project Description: See Attached

Multiple horizontal lines for additional project description details.

Total Estimated Project Cost \$ 14,145<sup>00</sup>  
Grant Request Amount \$ 7,500<sup>00</sup>



**PROJECT DESCRIPTION FOR CITY OF HICKORY APPEARANCE GRANT**

The project is to beautify the front, side and back of 268 1<sup>st</sup> Avenue NW (where Hatch Sandwich Bar is located). We have leased portions of the building since 2011, and were able to purchase it last December, 2023. On the front side of the building (266 & 268 1<sup>st</sup> Ave. NW) where Hatch is located, there currently is a fifty plus year old awning that is badly broken, leaks and needs to be replaced (replace with same style / black). We have previously put a canvas apron on the awning to partially hide the poor condition.

We would also like to add sidewalk seating with two black square metal tables and eight chairs.

On the side of the building (3<sup>rd</sup> Street NW) there are two separate issues we wish to address. The first is to add a new matching awning above the Hatch service door. The second area is the steps leading up to the office at 110 3rd St. NW. The epoxy coating is very old and deteriorating. We would like to repair and refinish the steps with either brick or a slip resistant acrylic coating (color coordinating with the office brick).

In the rear of the building that is very visible from 3<sup>rd</sup> Ave. NW, we would like to make three improvements. First we wish to paint the previously painted area (color to match side office brick), second there is an old broken boarded up window we want to replace and third, the rear wooden door is broken and in need of repair.

**Required Attachments**

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

**Certification by Owner**

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

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

Owners Signature: Marshall Kim Harkins Date: 2-19-24  
(Owners signature must be notarized)

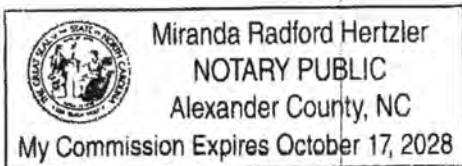
NORTH CAROLINA  
CATAWBA COUNTY

I, Miranda Radford Hertzler, a Notary Public for said County and State, do hereby certify that Marshall Kim Harkins personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the 19 day of February, 2024.

Miranda Radford Hertzler  
Notary Public

My Commission Expires: October 17, 2028



FILED Catawba County  
on Dec 15, 2023 at 11:45:00 am

Excise Tax \$768.00 (MR)

INST. # 22005

DONNA HICKS SPENCER,  
Register of Deeds

Ex 03846 Pg 1691-1694

**GENERAL WARRANTY DEED**

Excise Tax: \$768.00

Tax Parcel ID No. 3703-19-50-0103

Verified by \_\_\_\_\_ County

on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ By: \_\_\_\_\_

~~(H) Christine Singleton w/~~

✓ Mail/Box to: Terry M. Taylor, Young, Morphis, Bach & Taylor, L.L.P., P.O. Drawer 2428, Hickory, NC 28603

This instrument was prepared by: Terry M. Taylor, Young, Morphis, Bach & Taylor, L.L.P.  
P.O. Drawer 2428, Hickory, NC 28603

Brief description for the Index:

THIS DEED, made this the 14 day of December, 2023, by and between

**GRANTOR: JEFFREY CARVER BARKLEY, SR. (a/k/a Jeffrey Carver Barkley) and wife, COLLEEN CHURCHILL BARKLEY (Relinquishing her Marital Interest)**  
whose mailing address is **2430 Bergen Court, Charlotte, NC 28210**  
(herein referred to collectively as **Grantor**) and

**GRANTEE: H & H OF HICKORY, LLC, a North Carolina limited liability company**  
whose mailing address is **643 14<sup>th</sup> Ave., NW, Hickory, NC 28601**  
(herein referred to as **Grantee**).

*[Include mailing address for each Grantor and Grantee; marital status of each individual Grantor and Grantee; and type of entity, e.g., corporation, limited liability company, for each non-individual Grantor and Grantee.]*

**WITNESSETH:**

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in the **Hickory** Township, County of **Catawba**, State of **North Carolina**, more particularly described as follows:

**See Exhibit A**

Together with all right, title, and interest of Grantor in and to **any current or former streams, strips, gores, or rights-of-way abutting or adjoining the Property**, and together with all the improvements thereon and all privileges, easements, and appurtenances thereto belonging and not elsewhere herein excepted.

Said property having been previously conveyed to Grantor by Last Will and Testament of William S. Barkley, Sr. – See Third Item, Catawba County Estate File No. 23 E 103.

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

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, ~~185~~ subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

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

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

1. **2023 Ad Valorem Taxes.**

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

*[Signature and Notarial Acknowledgment Appear on the Following Page]*

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

Jeffrey Carver Barkley, Sr. (SEAL) 1855  
Jeffrey Carver Barkley, Sr.

Colleen Churchill Barkley (SEAL)  
Colleen Churchill Barkley

State of North Carolina  
County of Catawba

(Official/Notarial Seal)

I certify that the following person personally appeared before me this day, each acknowledging to me that they signed the foregoing document:

Jeffrey Carver Barkley, Sr. and wife, Colleen Churchill Barkley

Date: 12/14/23 Sherry A. Hollar

Sherry A. Hollar Notary Public  
Notary's Printed or Typed Name



My Commission Expires: 3/10/2028

## EXHIBIT A

1694

BEGINNING at a point in the northern margin of 11<sup>th</sup> Avenue and in the center of the west wall of the brick building owned by W. A. Carpenter & wife, and now occupied by Bill & Holley Grocery Store, said point being also the southwest corner of W. A. Carpenter and wife, Lena E. Carpenter's property and runs from said Beginning point with the center of the said brick wall North 2° 30' East 80 feet to a point in the southern margin of a 20 foot alley, said Carpenter's northwest corner; thence with the southern margin of the said 20 foot alley North 87° 41' West 50 feet and 8 inches to a point in the eastern margin of 14<sup>th</sup> Street; thence with the eastern margin of 14<sup>th</sup> Street South 2° 30' West 80 feet to the intersection of 14<sup>th</sup> Street and 11<sup>th</sup> Avenue; thence with the northern margin of 11<sup>th</sup> Avenue South 87° 41' East 50 feet and 8 inches to the point of BEGINNING. For partial chain of title see Book 260 at Page 507; Book 292 at Page 281 and Book 357 at Page 497, Catawba County Registry.

Together with the right, privilege, and easement in the free use of that certain alleyway heretofore located and laid out between the parties owning the adjacent property at the time, and beginning on the east margin of 14<sup>th</sup> Street at a point 80 feet North of 11<sup>th</sup> Avenue; thence running eastward 20 feet in width 100 feet to the old Gamble Line. The southern margin of said alley abuts the northern margin of the lot above conveyed. And also a similar right and privileges in a 16 foot alley which lies east of the land conveyed to A. C. Kelly, Trustee to the Hickory Record, Inc.



**catawba county**  
MAKING. LIVING. BETTER.

**Geospatial  
 Information Services**

**Real Estate Search**



1in=40ft

Parcel: 370319500103, 266 1ST AVE NW HICKORY, 28601

Owners: H & H OF HICKORY LLC,

Owner Address: 643 14TH AVE NW

Values - Building(s): \$259,300, Land: \$16,800, Total: \$276,100

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

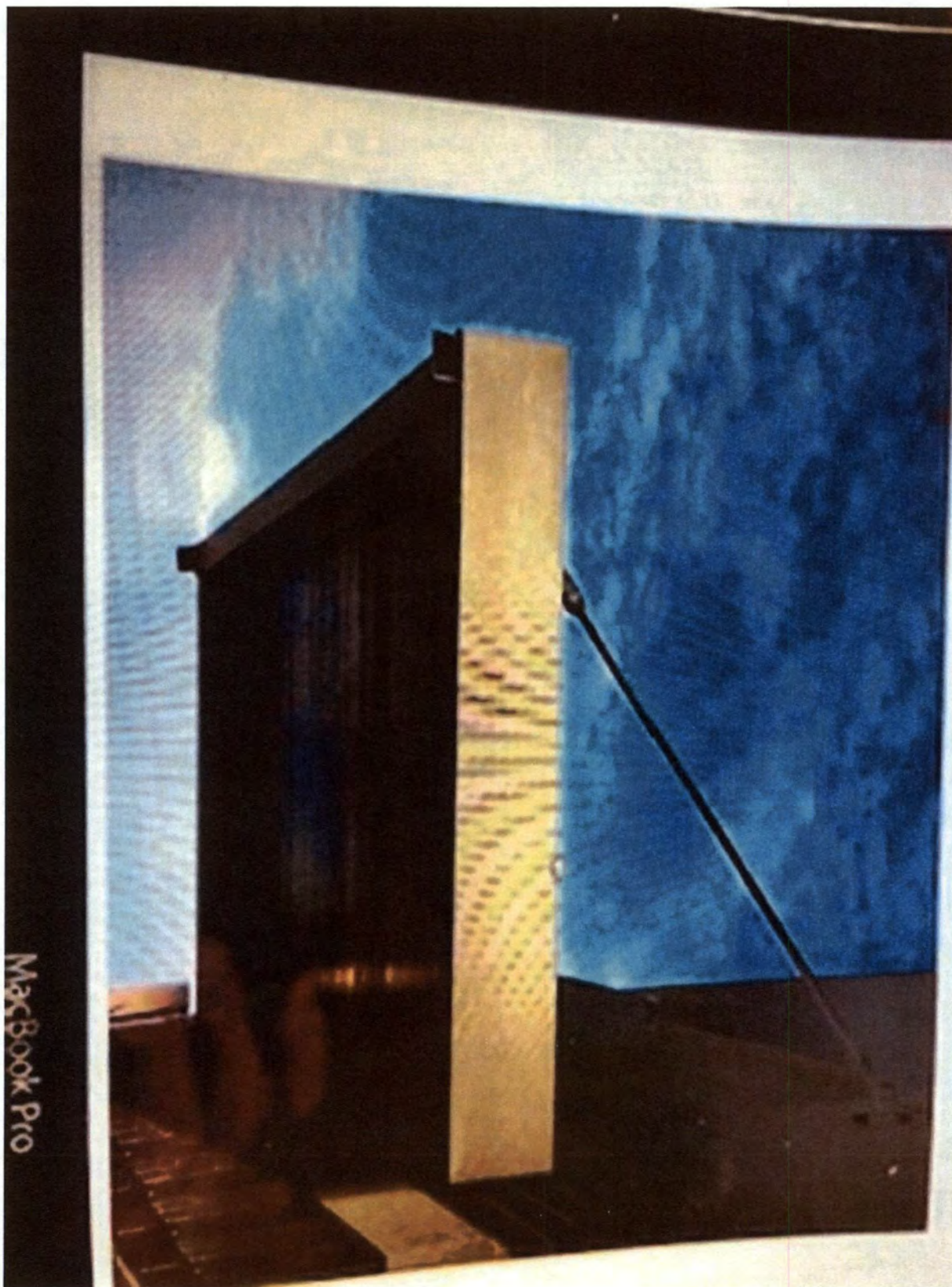
Copyright 2023 Catawba County NC

























## BUILDING IMPROVEMENTS FOR APPEARANCE GRANT

### REPLACE BROKEN FRONT AWNING

Tear down and replacement of front awning  
(the current awning is approximately 50 years old and  
has been rebraced, patched and leaks very badly.  
We placed a front canvas apron to hide the poor  
condition of the awning)

Annas Awning	6,848	6,848
Evergreen Awning	7,918	

### AWNING ... SIDE DOOR

Add awning to side of the buiding over service door

Annas Awning	856	856
Evergreen Awning	1,027	

### RESURFACE BROKEN STEPS

Finish is cracking and loose on old steps  
Would like to strip and replace with brick or

Martin Masonry	3,050	
Custom Coatings	3,000	3,000

### PAINT REAR SIDE OF BUILDING

Paing only the lower part of building which  
was painted years ago. The color chosen  
is to match the face of the office facing  
3rd street (safety bars and riser pipes  
also painted yellow)

Bolick Painting	2,000	2,000
Custom Costings	2,800	

### REPLACE BROKEN WINDOW REAR

This window is broken and boarded shut

All Glass	450	450
Window World ??	1,559	

### REPAIR REAR DOOR AND INSTALL GLASS

All Glass	310	310
-----------	-----	-----

### TABLES AND CHAIRS ON FRONT SIDEWALK

Two square tables and chairs in  
front of Hatch for outside dining

Restaurant Furniture	802	
Event Stable	681	681

Total Project

14,145

Replace Front Broken Awning  
Add Awning Side Door

# Annas Awning Co., Inc.

1133 1<sup>st</sup> Ave SW

PO Box 956

Hickory, NC 28603

828-322-1198 Fax 828-326-9229

2/8/24

Kim Harkins  
268 1<sup>st</sup> Ave NW  
Hickory, NC 28601

Side Door	800
Tap	56
	<u>856<sup>00</sup></u>

Re: aluminum canopies

Storefront	5800
	<u>600</u>
	6400
Tax	448
	<u>6848<sup>00</sup></u>

Dear Kim,

We propose to furnish, fabricate and install;

Storefront - one aluminum canopy, 6'x 48' with overhead braces for \$5800.00.

Side door - one aluminum canopy, 4'x5' with overhead braces for \$800.00.

Removal of existing aluminum canopy \$600.00.

These prices **do not** include 7% NC sales tax, any fees and/or permits and are good for 90 days.

Delivery approx 6 weeks

Thank you for considering us for the job. We look forward to working with you. If you have any questions please feel free to call me anytime at 828-322-1198.

Sincerely,

Scott Annas



Martin Masonry  
 2225 Hounds Way  
 Hickory, NC 28601  
 (828) 256-9052

*Resurface Broken Steps  
 Brick*

# Estimate

Date	Estimate #
2/13/2024	199

Name / Address
Kim Harkins Hatch Step Remodel

Project

Description	Qty	Cost	Total
Face Brick		350.00	350.00
Pavers		300.00	300.00
Sand and Mix		200.00	200.00
Labor		2,200.00	2,200.00
Estimate valid for 90 days		<b>Total</b>	\$3,050.00



Resurface Broken Steps  
Acrylic

Project: Harkins Building

Date: February 16, 2024

Areas: Side Steps – 268 1<sup>st</sup> Ave NW. Hickory

Proposal Number: 24-177

Proposal includes all labor, materials, and equipment to complete concrete floor coatings as follows:

- Side entrance steps and landing have a pebble product called "Chattahoochee" on them currently – we will remove this pebble texture and grind the steps, then install a solid color texture coating.

**General Scope of Work:**

- 1- Provide and use OSHA approved equipment for all work so that it can be completed safely and effectively.
- 2- Pebble texture will be removed using chisels and chipping hammer tooling.
- 3- Floor will be diamond ground with 7-14 grit metal tooling heads. Our grinders are large planetary machines that will remove the old failing coatings and provide a 10+ mil profile for the new coatings to properly adhere.
  - o These are loud propane powered machines, and they will be noisy.
- 4- Floor will be cleaned thoroughly to remove all debris and potential bond breakers.
- 5- Floor will have cracks chased out with an angle grinder to reveal a "V" groove which can have new patch/repair materials installed. New polyurea joint filler will be installed to all cracks.
- 6- Concrete will be repaired with fast setting cementitious urethane repair fillers.
  - o *NOTE: The patches will not be perfect.*
- 7- Floor will have BASF MasterSeal 658 Slip Resistant acrylic coating system installed. A primer coat is applied at a rate of 250 sqft per gallon, then **two full coats** of the TopCoat are installed at a rate of 90-100 sqft per gallon, per coat in a crosshatch pattern. The coating has an integral texture already and is meant for Pedestrian Walkways, Tennis Courts, Pool Decks, Patios, and Recreational Areas.

**Moisture vapor-** transmission of ground water into the concrete slab can cause failure of the coatings. While it is rare with a vapor barrier installed it can happen due to holes in the vapor barrier that allow moisture to enter. CCI cannot be responsible for failure due to moisture vapor transmission.

**Temperature-** the concrete must be 60 degrees or warmer for coatings to cure properly.

**Guarantee-** 100% Satisfaction is our goal.

**PRICING:**

- Existing Pebbles will be removed on a Time & Material Basis: \$60.00 per hour, plus materials.
  - o Budget: \$960.00 - \$1,440.00 – *if it takes less time than anticipated we will charge based off the hourly rate. We simply do not know how long it might take.*
    - *Initial for approval \_\_\_\_\_*

- Install of BASF 658 Coating System: \$1,560.00 (Initial \_\_\_\_\_)

Thank you for contacting CCI about this project. After thirty-three years in business, we have the experience required to provide you with a long-lasting finished product. Please feel free to call me with any questions at 828-326-0953.

Patrick Stilwell

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Terms: Invoices due NET 30. Pricing valid for a period of 45 days due to extreme volatility in the raw materials market.

Here is a link to before, during, and after pictures of some church entrances we coated with this product:

- <https://app.companycam.com/galleries/4CxfepLp>

Here is a link to before, during, and after pictures of stairs we coated with this same product:

- <https://app.companycam.com/galleries/snTxe3eS>

Here is a link to before, during, and after pictures of a commercial pool deck we coated with this product:

- <https://app.companycam.com/galleries/6FtjMBj>

Here is a link to before, during, and after pictures of a commercial pool deck and restrooms with this product:

- <https://app.companycam.com/galleries/YHFrVekb>

Clean	1440
Refinish	1560
Total	<u>3000</u>



*Patrick*  
*Paint*

Project: Kil Harkins

Date: February 12, 2024

Areas: Miscellaneous Exterior Items @ 268 1<sup>st</sup> Ave NW. Hickory

Proposal Number: 24-160

Proposal includes all labor, materials, and equipment to complete coatings as follows:

- Section of back painted brick wall and front entrance painted brick
- Front entrance ceiling and soffit
- Bollards, gas meter safety bars and riser pipes – *not gas meter proper*
- Aluminum doors/windows will be caulked to brick, but not painted
- Metal door will be painted

**General Scope of Work:**

**Cleaning-** all surfaces will be pressure washed using 4000-5000 psi and oscillating tips. This step will remove chalking paint, loose and failed coatings, loose rust, mill scale and other contaminants. Some chemicals may need to be employed to remove chalk and mildew and insure a clean substrate.

**Prep-** all surfaces will be prepared by grinding, scraping, wire brushing where required and sanding. Rusting surfaces will be prepared to SSPC-SP3 for power tool cleaning national standards. These areas will be prepared in such a manner that removes all flaking rust and paint using mechanical sanders and grinders. We will sand these surfaces to a feathered edge as must as possible.

**Primer Coat-** all rusted surfaces will receive SW Procryl Rust inhibitive primers applied at a rate of 250 sqft per gallon. Peeling brick will receive Peel Bond or comparable bonding primer.

**Coating-** all surfaces will receive two full coats of Sherwin Williams Products applied at a rate of 250 sqft per gallon. Masonry will receive SW Loxon Self-Cleaning Acrylic and metal will receive SW Shercryl.

**Other Work-** all surfaces not being coated will be protected during the painting process. We will cover the ground and protect your investment.

**Guarantee-** 100% Satisfaction is our goal.

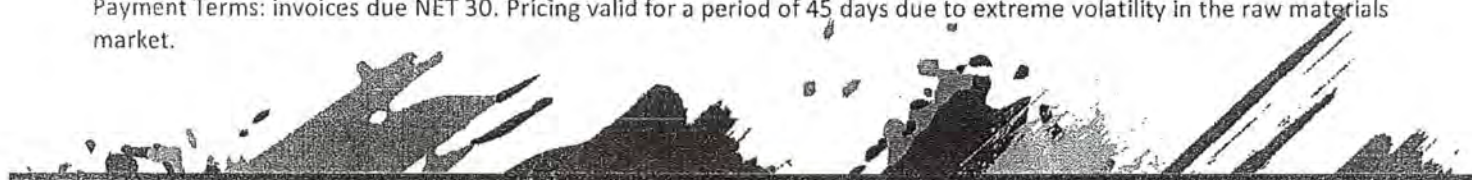
**PRICING:** \$2,800.00 (*Initial* \_\_\_\_\_)

Thank you for contacting CCI about this project. After thirty-three years in business, we have the experience required to provide you with a long-lasting finished product. Please feel free to call me with any questions at 828-326-0953.

Patrick Stilwell

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Terms: invoices due NET 30. Pricing valid for a period of 45 days due to extreme volatility in the raw materials market.









2/12/2024

Housecall

Subtotal

\$1,596.00

CATAWBA COUNTY (7.00000000000001%)

+ \$111.72

Total

\$1,707.72


Note


Thank you for choosing All Glass.

Estimate date: Feb 11, 2024

Contact us

All Glass Company of Hickory

 (828) 324-8609

 [admin@allglasscompany.com](mailto:admin@allglasscompany.com)

See our Terms & Conditions



Catawba Valley Showroom Location  
 950 Tate Blvd, Suite 150  
 Hickory, NC 28602  
 Phone: (828)-324-0307



email:catawbavalley@windowworld.com

Lead Safe Company  
 RRP-4328

Kim Harkins  
 Install Address: 268 1st Ave NW  
 Hickory, NC 28601  
 Quote Name: Kim Harkins - Sales - Windows

Phone: 8282440797  
 Email: mkharkins@gmail.com

**Design Consultant:** Sid Ballard

**Measured By:** Design Consultant

**Measure Approved**

**Date:** 2/15/2024

**Status:** Quote

**Payment Method:** Other

**Lender:**

**Contract Type:** Sales

**Comments:**

Product	Description	Txbl	Qty	Price	Extension
4000 2 Lite Slider 0-101 UI (Std SolarZone Included)	4000 2 Lite Slider, includes SolarZone, Double-Strength Glass, Double Locks (where appl.) and foam insulation on jams and header.	Y	1	\$750.00	\$750.00
White Extruded Interior Only	White Extruded Interior Only	Y	1	\$0.00	\$0.00
LE - Solarzone Low-E Glass and Argon Gas - Windows	Solarzone Low-E Glass and Argon Gas	Y	1	\$0.00	\$0.00
SET - Metal/Vinyl/Specialty Exterior Trim Installation with White Trim Coil for Sliding Window	Metal/Vinyl/Specialty Window Exterior Trim Installation with White Trim Coil for Sliding Window	Y	1	\$295.00	\$295.00
Set up & Landfill Disposal Fee - Windows	Job Set Up & Landfill Disposal Fee	Y	1	\$375.00	\$375.00
Window World Cares	St. Jude Hospital Donation	N	1	\$40.00	\$40.00

**Total Information**

Unit Total:	1
Subtotal:	\$1,460.00
Tax Rate:	7% (Catawba)
Tax:	\$99.40
Total:	\$1,559.40
Amount Financed:	\$0.00
Payment Method:	Other
Deposit Amount:	\$779.70
Balance Paid to Installer upon Completion:	\$779.70

**Renovation, Repair and Print Act (RRP) Compliance**

**RRP Pamphlet Provided Date:**  
**Year Home Built:**  
**RRP Signed Date:**



Catawba Valley Showroom Location  
950 Tate Blvd, Suite 150  
Hickory, NC 28602  
Phone: (828)-324-0307



email:catawbavalley@windowworld.com

Lead Safe Company  
RRP-4328

**Product Acknowledgements**

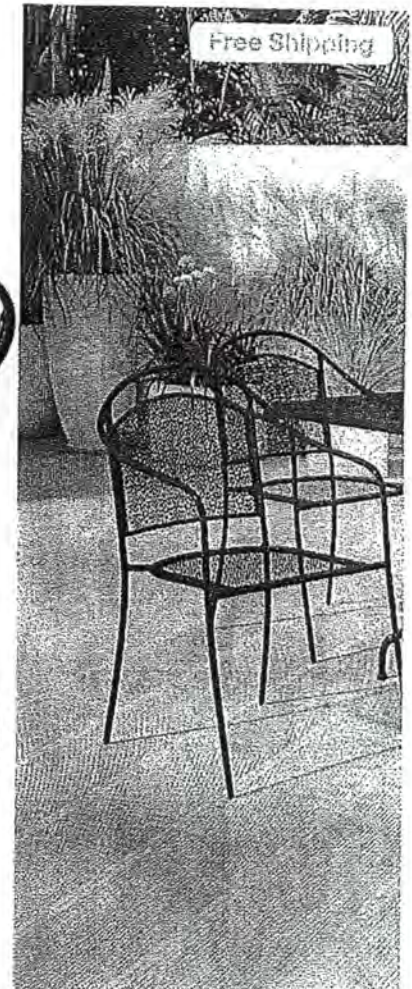
- Window World Does Not Remove/Reinstall Curtains/Blinds or Do Any Painting!
- WHITE Extruded - Has been selected for the Interior of the windows

**Primary Homeowner**

**Secondary Homeowner**



Patio & Outdoor Commercial Patio Table & Chair Sets Metal Patio Table & Chair Sets  
Oia Commercial Grade 35.5" Square Indoor-Outdoor Steel Patio Table Set with 4 Round Back Chairs



### Oia Commercial Grade 35.5" Square Indoor-Outdoor Steel Patio Table Set with 4 Round Back Chairs

**\$401.31** x 2 *802*

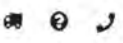
Item # CO-35SQ-03CHR4-BK-GG

★★★★★ 5.0 (2)

2/18/2024

Commercial Grade 35.5" Square Black Indoor-Outdoor Steel Patio Table with Umbrella Hole | EventStable.com

[Free Shipping on Bulk Orders](#) →



Commercial Grade 35.5" Square Black Indoor-Outdoor Steel Patio Table with Umbrella Hole

\$118.05

[Features](#)

[Specifications](#)

[Reviews Q&A](#)

[Shipping & Returns](#)

Qty

1

ADD TO CART

ADD TO QUOTE



[Home](#) > [Restaurant Furniture](#) > [Restaurant Tables](#) > [Indoor Outdoor Restaurant Tables](#) >

Commercial Grade 35.5" Square Black Indoor-Outdoor Steel Patio Table with Umbrella Hole

Buy today - pay later. Net 30 terms at 0% or extend payments up to 60 months. [Learn more](#)

ARTEZZA

# Commercial Grade 35.5" Square Black Indoor-Outdoor Steel Patio Table with Umbrella Hole

\$118.05

IN STOCK  
Item # ES-F2207

Large order?  
[Ask for a wholesale quote.](#)

Shipping deals apply!

- Free Shipping on 10 or more

QTY

1

\$118.05

x 2

236

[Calculate Shipping](#)

2 Tables  
8 chairs

236

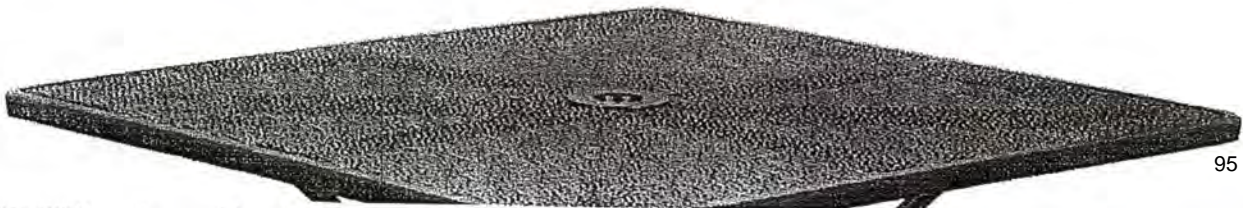
445

681

ADD TO CART

ADD TO QUOTE

[Add to Wish List](#) [Add to Compare](#)



Commercial Grade 35.5" Square Black Indoor-Outdoor Steel Patio Table with Umbrella Hole | EventStable.com



0 0 0 0

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**Features**

**Specifications**

**Reviews Q&A**

**Shipping & Returns**

Why Buy From EventStable?



2/18/2024

Indoor-Outdoor Steel Patio Arm Chair with Square Back | EventStable.com

[Free Shipping on Bulk Orders](#) →



Indoor-Outdoor Steel Patio Arm Chair with Square Back

\$55.72

[Features](#)

[Specifications](#)

[Reviews Q&A](#)

[Shipping & Returns](#)

Qty

1

ADD TO CART

ADD TO QUOTE



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Buy today - pay later, Net 30 terms at 0% or extend payments up to 60 months. [Learn more](#)

ARTEZZA

# Commercial Grade Black Indoor-Outdoor Steel Patio Arm Chair with Square Back

\$55.72 x 8 445<sup>00</sup>

IN STOCK  
Item # ES-F1577

Large order?  
[Ask for a wholesale quote.](#)

Shipping deals apply!

- Free Shipping on 50 or more

Color Black

QTY

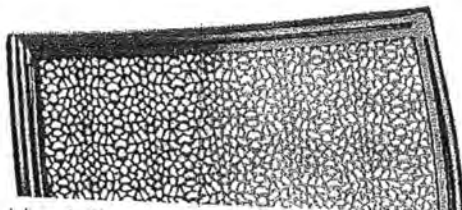
\$55.72

[Calculate Shipping](#)

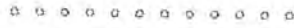
ADD TO CART

ADD TO QUOTE

[Add to Wish List](#) [Add to Compare](#)



Indoor-Outdoor Steel Patio Arm Chair with Square Back | EventStable.com



- [Features](#)
- [Specifications](#)
- [Reviews Q&A](#)
- [Shipping & Returns](#)

- Features**
- Specifications**
- Reviews Q&A**
- Shipping & Returns**

Why Buy From EventStable?

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

**STATE OF NORTH CAROLINA**

**COMMUNITY APPEARANCE  
GRANT AGREEMENT**

**COUNTY OF CATAWBA**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between the **CITY OF HICKORY**, a municipal corporation of Catawba County, North Carolina, hereinafter referred to as the CITY, and having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, and **Marshall Kim Harkins**, referred to as the RECIPIENT, and having a mailing address of 266 1<sup>st</sup> Ave NW, Hickory, NC 28601.

WITNESSETH

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

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

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

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

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

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

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

**CITY OF HICKORY**  
A North Carolina Municipal Corporation

By: \_\_\_\_\_  
Hank Guess, Mayor

ATTEST: (SEAL)

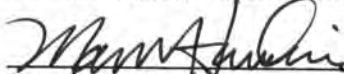
\_\_\_\_\_  
Debbie D. Miller, City Clerk

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

\_\_\_\_\_  
Attorney for the City of Hickory

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

  
\_\_\_\_\_  
Melissa Miller, Finance Officer

  
\_\_\_\_\_  
Marshall Kim Harkins

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

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

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

(Seal)

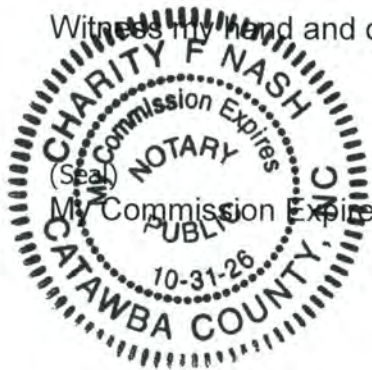
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Charity F. Nash, a Notary Public of the County and State aforesaid certify that **Marshall Kim Harkins**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 12<sup>th</sup> day of March, 2024.



Charity F. Nash  
Notary Public

My Commission Expires: 10-31-26

19

**COUNCIL AGENDA MEMOS**

**To: City Manager's Office**

**From: Anna Beth Walker, Community Development Specialist**

**Contact Person: Anna Beth Walker, Community Development Specialist**

**Date: March 7, 2024**

**Re: Approve Loan Settlement for property at 518 1<sup>st</sup> Avenue SE**

**REQUEST**

Staff requests that City Council approve a CDBG loan settlement of \$18,000.00 for 518 1<sup>st</sup> Avenue SE

**BACKGROUND**

The home at 518 1<sup>st</sup> Avenue SE has been vacant for approximately seven years and has an older Community Development loan balance of \$28,568.86.

**ANALYSIS**

This property has been vacant for approximately seven years and has delinquent property taxes dating back to 2009 in the amount of \$21,031.08. The remaining balance on the CDBG loan as of today is \$28,568.86. Triple Crown Investments has made an offer to settle this debt with a payment to the City of Hickory in the amount of \$18,000.00 and this has been approved by the Citizen's Advisory Committee.

**RECOMMENDATION**

Staff recommends approval of a loan settlement with Triple Crown Investments in the amount of \$18,000.00 to satisfy the outstanding lien for CDBG Housing Rehabilitation Loan in the amount of \$28,568.86 for the property at 518 1<sup>st</sup> Avenue SE.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Dave Leonetti DL  
Initiating Department Head

3-7-24  
Date

Deputy City Attorney, A. Dula  
Date

Date

Rodney Miller  
Asst. City Manager, Rodney Miller

3/11/24  
Date

Rod Beasley  
Asst. City Manager, R. Beasley

3/13/24  
Date

Melissa Miller  
Finance Officer, Melissa Miller

3/13/24  
Date

Cameron McHargue  
Department Finance Officer,  
Cameron McHargue

3-12-24  
Date

Yaidee Fox  
Exe Asst City Manager Yaidee Fox

3/12/24  
Date

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

Warren Wood  
City Manager-Warren Wood

3.13.2024  
Date

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office  
**From:** Dave Leonetti, Business Services & Community Development Manager  
**Contact Person:** Dave Leonetti, Business Services & Community Development Manager  
**Date:** March 7, 2024  
**Re:** Citizens Advisory Committee Recommendation

**REQUEST**

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

**BACKGROUND**

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

**ANALYSIS**

The following requests were considered by the Citizens' Advisory Committee at their regular meeting on March 7, 2024:

- Debora Jenkins, 2013 13<sup>th</sup> Avenue NE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.
- Betty Clark, 264 5<sup>th</sup> Avenue SW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for assistance due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.
- Maria Lira, 134 40<sup>th</sup> Avenue Place NW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for approval due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.

**RECOMMENDATION**

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



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**059-1537-558-38-01**

**Reviewed by:**

**Dave Leonetti**

*(Signature)*

3-7-24

Initiating Department Head

Date

Deputy City Attorney, A. Dula

Date

*(Signature)*  
Asst. City Manager Rodney Miller

3/11/24  
Date

*(Signature)*  
Asst. City Manager, R. Beasley

3/13/27  
Date

*(Signature)*  
Finance Officer, Melissa Miller

3/13/24  
Date

*(Signature)*  
Deputy Finance Officer,  
Cameron McHargue

3-12-24  
Date

*(Signature)*  
Asst City Manager Yaldee Fox

3/12/24  
Date

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

*(Signature)*  
City Manager, W. Wood

3.13.2024  
Date



## PROCLAMATION

### Arbor Day Proclamation

**Whereas,** In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**Whereas,** the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**Whereas,** Arbor Day is now observed throughout the nation and the world; and

**Whereas,** trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

**Whereas,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**Whereas,** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

**Whereas,** trees, wherever they are planted, are a source of joy and spiritual renewal,

**NOW, THEREFORE, I Hank Guess, Mayor of the City of Hickory,** on behalf of Hickory City Council, do hereby proclaim April 27, 2024, as

### Arbor Day

in the City of Hickory, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, I urge all citizens to plant and care for trees to gladden the heart and promote the well being of this and future generations.

Proclaimed this, the 19<sup>th</sup> day of March 2024.

---

Hank Guess, Mayor

**BUDGET REVISION # 17**

**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.

<b>SECTION 1.</b> To amend the		General Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Culture & Recreation	12,908		
	General Government	550,000		
	<b>TOTAL</b>	<b>562,908</b>	<b>-</b>	
To provide funding for the above, the				
	General Fund	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Sales and Services	10,143		
	Miscellaneous	2,765		
	Other Financing Sources	1,051,401	501,401	
	<b>TOTAL</b>	<b>1,064,309</b>	<b>501,401</b>	

<b>SECTION 2.</b> To amend the		Water/Sewer Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Uses	1,050,000		
	<b>TOTAL</b>	<b>1,050,000</b>	<b>-</b>	
To provide funding for the above, the				
	Water/Sewer Fund	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Sources	1,050,000		
	<b>TOTAL</b>	<b>1,050,000</b>	<b>-</b>	

<b>SECTION 3.</b> To amend the		MUNIS/Tyler Technologies (#450001)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	General Capital Projects	1,000,000	500,000	
	<b>TOTAL</b>	<b>1,000,000</b>	<b>500,000</b>	
To provide funding for the above, the				
	MUNIS/Tyler Technologies (#450001)	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Other Financing Sources	500,000		
	<b>TOTAL</b>	<b>500,000</b>	<b>-</b>	

<b>SECTION 4.</b> To amend the Ridgeview Library Expansion (#630001) Capital Project Ordinance, the expenditures shall be amended as follows:		
<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>
General Capital Projects	1,401	1,401
<b>TOTAL</b>	<b>1,401</b>	<b>1,401</b>

**SECTION 5.** 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:** Office of Business Development – Planning and Development

**Contact Person:** Cal Overby, Planning Manager

**Date:** March 7, 2024

**Re:** Rezoning Petition 24-03

**REQUEST**

Consideration of Rezoning Petition 24-03.

**BACKGROUND**

Request by Shilpabahn and Pravinkumar Patel for consideration of rezoning 2.76 acres of property located at the SE corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial.

**ANALYSIS**

The current R-3 Residential district allows residential uses (single, two family and multifamily) at maximum density of 8 dwelling units per acre for single-family and 10 units per acre for multifamily. Under the current zoning the properties could theoretically yield up to 27 new dwelling units.

The requested NC Neighborhood Commercial district allows residential, office, retail, and mixed-use development. Residential density is permissible up to 30 units per acre, while non-residential development is permissible up to a floor area ratio of 2:1. These intensities could theoretically produce up to 83 new dwellings or over 100,000 ft<sup>2</sup> of non-residential or mixed use development. However, design constraints would reduce the stated maximums.

**RECOMMENDATION**

The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024 to consider the petition. During the public hearing, the owner's agent spoke in favor of the rezoning petition, while no one spoke in opposition.

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

**CITIZEN INPUT**

As of March 7, 2024, staff has received one inquiry regarding this petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian M. Frazier 3/07/2024  
Initiating Department Head Date

Kathy Miller 3/11/24  
Asst. City Manager, R. Miller Date

M. Miller 3/13/24  
Finance Officer, M. Miller Date

Yudeed O ACM 3/12/24  
Date

Amata M. Dula 3-11-24  
Deputy City Attorney, A. Dula Date

Richard Beasley 3/13/24  
Asst. City Manager R. Beasley Date

Camryn [Signature] 3-12-24  
Date

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

Wann Wood  
City Manager, W. Wood  
3.13.2024  
Date

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

DATE SUBMITTED: 1-31-2024

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

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

1. The property proposed to be rezoned is located on 29th Avenue Drive NE  
between 16th St NE and 16th St Circle NE.

PIN NO. (S): 371419614284 and 371419616084

Physical (Street) Address: 1630 29th Ave Dr NE

2. The property is owned by: (please print) SHILPABAHEN PATEL AND PRAVINKUMAR PATEL

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

Owner Information:

Name: SHILPABAHEN PATEL AND PRAVINKUMAR PATEL

Address: 1483 COFFEETREE DRIVE NW, CONCORD, NC 28027

Phone Number: 803-974-0291

Email Address: mytsc49@gmail.com

3. The petition is submitted by: ANDREW LOFTIN

(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: ANDREW LOFTIN, PE

Address: 200 SOUTH TRYON STREET, SUITE 200, CHARLOTTE, NC 28202

Phone Number: 704-954-8293

City of Hickory Rezoning Application (Non-PD or CZ)

Page 1 of 2 (2022 Edition)

- 4. It is desired and requested that the foregoing property be REZONED:  
FROM: R-3 TO: NC (NEIGHBORHOOD COMMERCIAL)
- 5. Please list the current use(s) of the property: VACANT

5. OWNER'S AFFIDAVIT

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

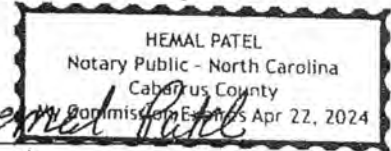
PRAVINKUMAR PATEL, SHILPABHAI PATEL [Signature], S.K. Patel  
Printed Name of Owner Signature of Owner

(Please choose the appropriate notary block)

State of North Carolina – County of Cabarrus

I, the undersigned Notary Public of the County and State aforesaid, certify that Pravinkumar B. Patel & Shilpaben K. Patel 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 26<sup>th</sup> day of January, 2024.

My Commission Expires: 04/22/2024



Notary Public

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.**



Date: 01/25/2024

Parcel #'s: 371419614284 and 371419616084

RE: Agent Authorization Letter

I, Shilpabahan patel, hereby designate Andrew Loftin (Kimley-Horn & Associates, Inc.), as my agent in all matters pertaining to the rezoning applications for the above referenced Parcel's.

Owner Name: Shilpabahan patel

Owner Address: 1483 coffeetree drive nw, Concord, NC-28027

Owner Phone: 7867875220

Owner Email: alpeshshell@yahoo.com

Signature: S. K. Patel

Print Name: Shilpabahan K. Patel

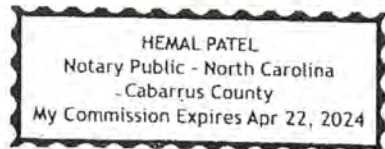
State of North Carolina – County of Cabarrus

I, the undersigned Notary Public of the County and State aforesaid, certify that Shilpaban K. Patel personally appeared before me this day and acknowledge the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 26<sup>th</sup> day of January, 2024.

My Commission Expires: 04/22/2024

Hemal Patel

Notary Public



## REZONING ANALYSIS

**PETITION:** 24-03

**APPLICANT:** Shilpabahen and Pravinkumar Patel

**OWNERS:** Shilpabahen and Pravinkumar Patel

**PROPERTY LOCATION:** SE corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE.

**PIN:** 371419611284 and 371419616084

**WARD:** The properties are located in Ward 6 (Councilwoman Patton).

**ACREAGE:** 2.76 acres.

**REQUESTED ACTION:** Rezone the properties from R-3 Residential to Neighborhood Commercial (NC).

**BACKGROUND:** The properties are currently zoned R-3 Residential. The eastern parcel has been zoned as such since February of 2011. The western parcel was zoned NC until January of 2013, when the prior owner petitioned to have the property rezoned to R-3 Residential. Both properties are currently vacant.

**DEVELOPMENT POTENTIAL:** The current R-3 Residential district allows residential uses (single, two family and multifamily) at maximum density of 8 dwelling units per acre for single-family and 10 units per acre for multifamily. Under the current zoning the properties could theoretically yield up to 27 new dwelling units.

The requested NC Neighborhood Commercial district allows residential, office, retail, and mixed-use development. Residential density is permissible up to 30 units per acre, while non-residential development is permissible up to a floor area ratio of 2:1. These intensities could theoretically produce up to 83 new dwellings or over 100,000 ft<sup>2</sup> of non-residential or mixed use development. However, design constraints would reduce the stated maximums.

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

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

*The general area is classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).*

The Hickory by Choice 2030 Comprehensive Plan states the following about Neighborhood Mixed Use areas: "A typical neighborhood mixed use district would have a mix of residential, retail and office space. The key elements for these districts include neighborhood scale commercial establishments; such as grocery stores, pharmacies, banks, small scale office buildings, civic or institutional functions, residences, schools, and small parks." (HBC 2030, Pg. 25).

The vicinity in which the properties are located possesses most of these elements, with the exception of a community park. Additionally, the NC district is listed as the implementing district for the Neighborhood Mixed Use land use classification.

A stated goal of the comprehensive plan is to support a network of mixed-use centers. These mixed use centers are intended to be neighborhood scaled where residents have convenient access to goods and services. The existing mixed use center possess many of these. The quadrants of the intersection of 29<sup>th</sup> Avenue Drive NE and 16<sup>th</sup> Street NE contain offices (SECU), eateries (Marco's Pizza and Pizza Hut), medical offices (Frye Care, Helton Dentistry, and a pediatrician), multifamily housing (Argyle Place) an adult care facility (Brookdale Hickory).

Given these factors, the rezoning of the properties to NC Neighborhood Commercial 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 properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a mixed use area that provides opportunities for housing, services, and employment. The permissible uses and intensities of the NC district will work towards implementing the HBC 2030 Plan as was intended. The NC district is intended for locations similar to the location of the subject properties.*

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

*The development regulations contained within the Hickory Land Development code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.*

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

*The subject properties have access to two NCDOT maintained roadways, 16<sup>th</sup> Street NE (1401) and 29<sup>th</sup> Avenue Drive NE (SR 1402), as well as access to public utilities. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.*

- Regulate the type and intensity of development; and

*The current land use pattern of the larger area is mixed use in nature; with residential, office and commercial being present. The future use of the properties is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to*

*service any future development. These include public utilities and transportation infrastructure.*

- Ensure protection from fire, flood and other dangers.

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

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

- **North:** The properties are zoned R-2 Residential and NC Neighborhood Commercial and occupied by residences and a medical office (Frye Care).
- **South:** The property is zoned R-3 Residential and occupied by an adult care facility (Brookdale Hickory).
- **East:** The properties are zoned R-3 Residential and occupied by residences.
- **West:** The properties are zoned NC Neighborhood Commercial and occupied by an office (SECU) and an eatery (Marco's Pizza).

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

*The current zoning and use of the larger area is mixed use, with residential, office and retail being components. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district allows residential, but also allows for office and retail uses. Given the location of the properties at the intersection of two thoroughfares, a mixture of land uses would be appropriate as envisioned by the city's comprehensive plan.*

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

*Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and practical.*

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

*Public resources to provide critical public services are in place or will be put in place by the property owner should development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.*

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

*Any future development that occurs of the subject properties as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.*

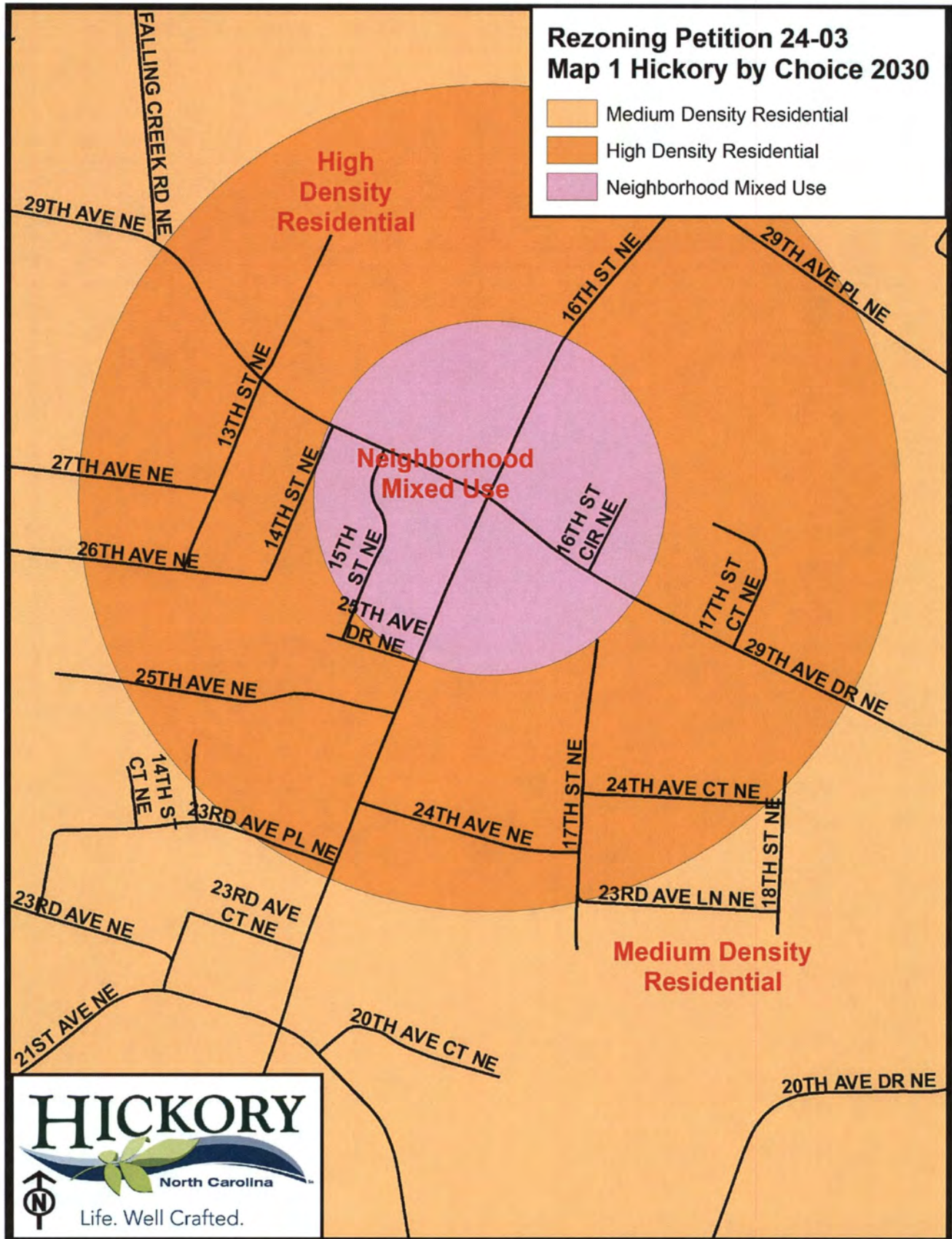
**RECOMMENDED ACTION:**

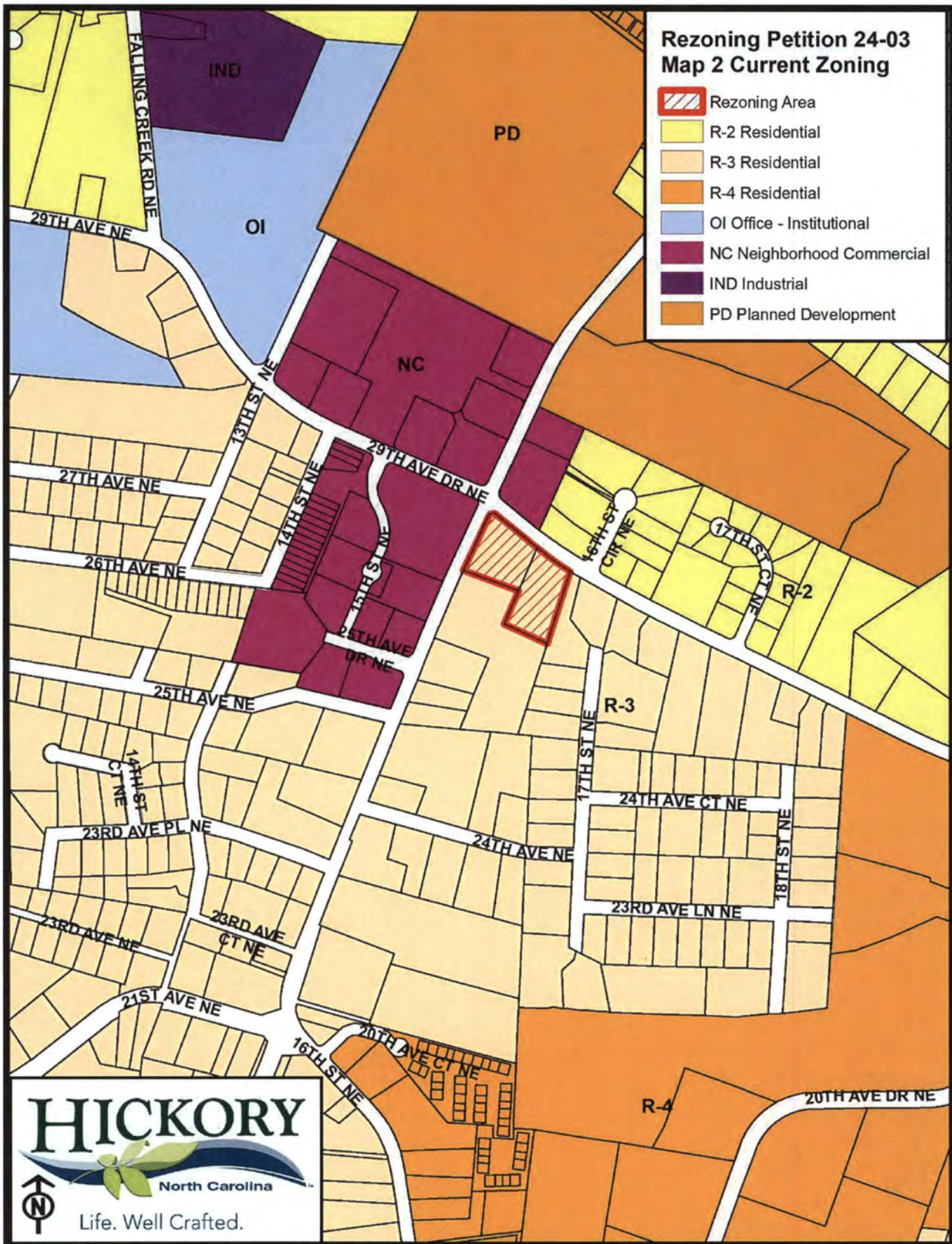
The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024 to consider the petition. During the public hearing, the owner's agent spoke in favor of the rezoning petition, while no one spoke in opposition.

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

**CITIZEN INPUT:**

As of March 7, 2024, staff has received one inquiry regarding this petition.











Life. Well Crafted.

## HICKORY REGIONAL PLANNING COMMISSION ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On February 28, 2024 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 24-03. Upon consideration, the Hickory Regional Planning Commission found:

1. The general area is classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan.
2. The Hickory by Choice 2030 Comprehensive Plan states the following about Neighborhood Mixed Use areas: *"A typical neighborhood mixed use district would have a mix of residential, retail and office space. The key elements for these districts include neighborhood scale commercial establishments such as grocery stores, pharmacies, banks, small scale office buildings, civic or institutional functions, residences, schools, and small parks."* (HBC 2030, Pg. 25).
3. The vicinity in which the properties are located possess most of these elements, with the exception of a community park. Additionally, the NC Neighborhood Commercial district is listed as the implementing district for the Neighborhood Mixed Use classification.
4. The properties have ingress and egress access via 29<sup>th</sup> Avenue Drive NE and 16<sup>th</sup> Street NE, both of which are state maintained. The land-use pattern in the area, which includes the subject property, represents an efficient use of public services, and the wise use of public funding.
5. A stated goal of the comprehensive plan is to support a network of mixed-use centers. These mixed use centers are intended to be neighborhood scaled where residents have convenient access to goods and services. The existing mixed use center possess many of these. The quadrants of the intersection of 29<sup>th</sup> Avenue Drive NE and 16<sup>th</sup> Street NE contain offices (SECU), eateries (Marco's Pizza and Pizza Hut), medical offices (Frye Care, Helton Dentistry and a pediatrician), multifamily housing (Argyle Place) an adult care facility (Brookdale Hickory).
6. Public resources to provide critical public services are or will be in place to service the properties, if developed. These include public utilities and transportation infrastructure.
7. 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.
8. 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.

9. The subject properties will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory Regional Planning Commission has found Rezoning Petition 24-03 to be consistent with the findings and recommendations of plans outlining development in the area and recommends Hickory City Council approval of the petition.

William M Pekman  
Bill McBrayer, Chairman  
Bill Pekman, Vice-Chair

2.28.2024  
Date

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 2.76 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 16<sup>TH</sup> STREET NE AND 29<sup>TH</sup> AVENUE DRIVE NE, INCLUDING 1630 29<sup>TH</sup> AVENUE DRIVE NE, FROM R-3 RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL (NC)**

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 +/- 2.76 acres of property located at the southeast corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE, more particularly described on **Exhibit A** attached hereto, to allow a Neighborhood Commercial District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 28, 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 24-03 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

**SECTION 1.** Findings of fact.

- The subject properties are located at the southeast corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE, and identified as PINs 371419611284 and 371419616084.
- The rezoning request is intended to further implement the recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

Ordinance NO. \_\_\_\_\_  
Hickory City Council  
Page 1 of 5

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

**SECTION 3.** Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The general area is classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan states the following about such areas: “A typical neighborhood mixed use district would have a mix of residential, retail and office space. The key elements for these districts include neighborhood scale commercial establishments; such as grocery stores, pharmacies, banks, small scale office buildings, civic or institutional functions, residences, schools, and small parks.”

Given these factors, the rezoning of the properties to Neighborhood Commercial (NC) are consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future neighborhood scaled mixed use development, which is what the Neighborhood Commercial (NC) district provides.

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

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

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

The subject properties have access to two state-maintained roadways, 16<sup>th</sup> Street NE (SR 1401) and 29<sup>th</sup> Avenue Drive NE (SR 1402) and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

Ordinance NO. \_\_\_\_\_  
 Hickory City Council  
 Page 2 of 5

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is mixed use in nature; with residential, office and commercial being present. The future use of the properties is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

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

The current zoning and use of the larger area is mixed use, with residential, office and retail being components. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district allows residential, but also allows for office and retail uses. Given the nature of the location of the properties at the intersection of two major thoroughfares, a mixture of land uses would be appropriate as envisioned by the city's comprehensive plan.

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

Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and 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 in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.

Ordinance NO. \_\_\_\_\_  
 Hickory City Council  
 Page 3 of 5

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

The subject properties are located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated mixed use development.

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-03 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:**

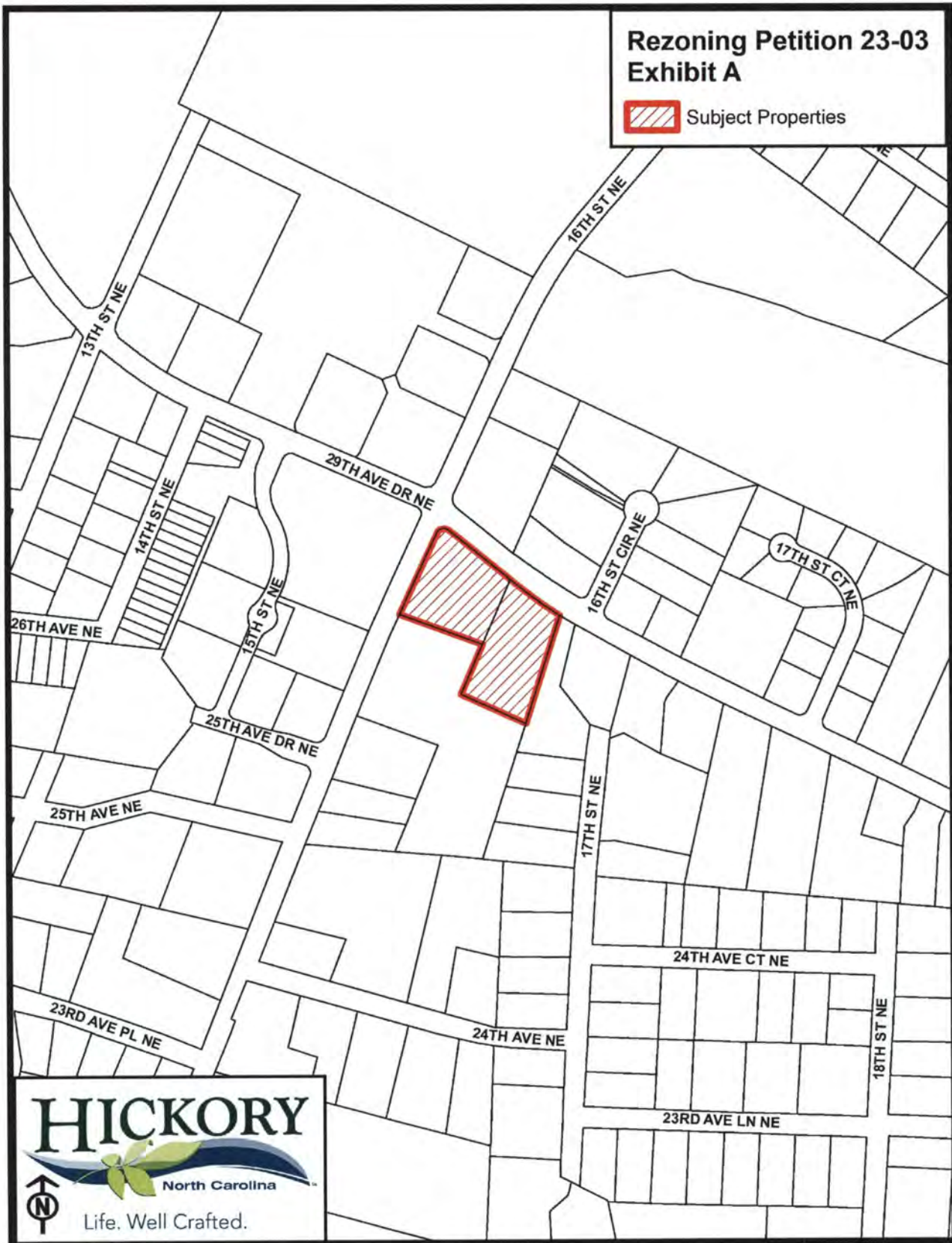
By: \_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Attorney for the City of Hickory

Ordinance NO. \_\_\_\_\_  
Hickory City Council  
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3

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Cal Overby, Planning Manager

**Date:** March 7, 2024

**Re:** Voluntary contiguous annexation of property owned by Matthew Varney and Yer Vang Varney.

**REQUEST**

Consideration of the voluntary contiguous annexation of 11.147 acres of property located at 2536 Startown Road. This property is identified as PIN 372119509129.

**BACKGROUND**

The property is currently occupied by a single family residence and located within the jurisdiction of Catawba County. The property is zoned Catawba County R-20 Residential, which permits residential development at 2 dwelling units per acre. Given its size, a property division could theoretically create up to 23 dwellings. If annexed the owner has requested the property be zoned R-2 Residential, which permits residential development at 4 dwelling units per acre.

The property owner desires to connect the property to city sewer service, which requires annexation. The property could potentially be the location of a new residential subdivision.

**ANALYSIS**

The owners of the property are requesting annexation in order to gain access to city utilities. While no definitive plans for the property have been submitted or reviewed, interest has been shown the property could be the site of a future residential subdivision.

Surrounding properties are zoned Catawba County R-20 Residential and City of Hickory Planned Development (PD) and occupied by single family homes, vacant or under development. The Trivium Business Park is nearby and consists of several large manufacturing facilities.

The current tax value of the property is \$376,400.00. If annexed, the vacant property would generate \$1712.62 in additional tax revenues.

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

**RECOMMENDATION**

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



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier 03/07/2024  
Initiating Department Head Date

R. Miller 3/11/24  
Asst. City Manager R. Miller Date

M. Miller 3/13/24  
Finance Officer, M. Miller Date

Yaidee Fox 3/12/24  
Exe Ass. City Manager Yaidee Fox Date

A. Dula 3-11-24  
Deputy City Attorney, A. Dula Date

R. Beasley 3/13/24  
Asst. City Manager, R. Beasley Date

Cameron McHargue 3-12-24  
Deputy Finance Officer, Cameron McHargue Date

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

Warren Wood  
City Manager, Warren Wood

3.13.2024  
Date

**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 2-2-2024

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

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory, and have provided an annexation plat meeting the requirements of the City of Hickory

1. The property be voluntarily annexed is located on STARTOWN ROAD  
between TRINIUM PARKWAY and SETTLEMENT  
BRIDGE ROAD and is shown in more detail on the attached survey.  
PIN NO. (S): 37219509129
2. Physical (Street) Address: 2536 STARTOWN ROAD, NEWTON, NC
3. The property is owned by: (please print) MATTHEW T. VARNEY AND  
(Attach a copy of the most recent deed.) WIFE, YER YANG
4. Owner Information:  
Name: MATTHEW T. VARNEY AND YER YANG  
Address: 2536 STARTOWN ROAD, NEWTON, NC  
Phone Number: 828-430-1486
5. The petition is submitted by: GUY LONG / PIEDMONT COMPANIES, INC.  
Agent Information:  
Name: GUY LONG / PIEDMONT COMPANIES, INC.  
Address: POST OFFICE BOX 1732, LINCOLNTON, NC 28093  
Phone Number: 828-228-1957
4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a R-2 zoning district.

5. WATER AND SEWER AVAILABILITY AND CONNECTIONS

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

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

6. OWNER'S AFFIDAVIT

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

<u>MATTHEW T. VARNEY &amp; YEN VANG</u>	<u>[Signature]</u>
Printed Name of Property Owner(s)	Signature of Property Owner(s)
<u>2536 STARTOWN ROAD, NEWTON, NC</u>	<u>828-430-1486</u>
Address of Property Owner(s)	Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Todd Matthew Varney / Yen Vang 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 1<sup>st</sup> day of February, 2024.



My Commission Expires: 04/02/2026

[Signature]  
Notary Public

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 name 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

FILED Feb 19, 2020  
AT 04:40:00 PM  
BOOK 03555  
START PAGE 0771  
END PAGE 0773  
INSTRUMENT # 03232  
EXCISE TAX \$0.00

Excise Tax \$ NO REVENUE	Return after recording to →	The Williams Law Firm, PLLC
Tax Map ID #	Prepared by	PO BOX 3739
Parcel ID # 904502&904364	R. Kelsey Williams	Hickory, NC 28603

BRIEF DESCRIPTION FOR INDEX → 2536 STARTOWN ROAD NEWTON NC 28658

STATE OF NORTH CAROLINA  
COUNTY OF Catawba

DATE  
February 19, 2020

**GENERAL  
WARRANTY DEED  
Recombination**

Matthew T. Varney and wife, Yer Vang 2536 Startown Rd Newton, NC 28658	Matthew T. Varney and wife, Yer Vang 2536 Startown Rd Newton, NC 28658
"Grantor"	"Grantee"

Enter in appropriate block for each Grantor and Grantee: title vesting name, mailing address, and, if appropriate, character of entity, (e.g., corporation, partnership, trust, unincorporated association, etc.)

NOTE: When reference herein is made to the GRANTOR and/or the GRANTEE, the singular shall include the plural, the neuter shall include the masculine as well as the feminine.

**WITNESSETH**

FOR VALUABLE CONSIDERATION RECEIVED, receipt of which is hereby acknowledged, the GRANTOR hereby has bargained sold and conveyed in fee simple unto the GRANTEE all that certain lot or parcel of land the City of n/a, Newton Township Catawba County more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof

3555-0772

TO HAVE AND TO HOLD this realty and all privileges and appurtenances thereto belonging unto the GRANTEE its heirs, successors and/or assigns in fee simple.

And the GRANTOR covenants with the GRANTEE that GRANTOR is seized of the premises in fee simple, has the right to convey the same in fee simple, that the title is marketable and free and clear of all encumbrances, and that GRANTOR will forever warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions and/or easements affecting the subject realty.

Any matters an accurate survey of the subject realty would have revealed.

Prepared by The Williams Law Firm, PLLC. The attorneys who prepared this instrument have not performed a title examination of the subject realty and therefore make no opinion or warranty as to the quality of title nor have said attorneys participated in any real estate closing involving this instrument. The parties to this instrument agree they have reviewed, understand and agree to the terms of this instrument, and that the attorney/client relationship between the client(s) ordering and paying for this instrument and attorneys preparing this instrument is strictly limited to the instrument's preparation.



Seller(s) to CHECK

SELLER'S "RESIDENCE" DISCLOSURE

If checked, the property described herein includes the primary residence of at least one of the Grantor(s) pursuant to N.C. Gen. Stat. 105-317.2.

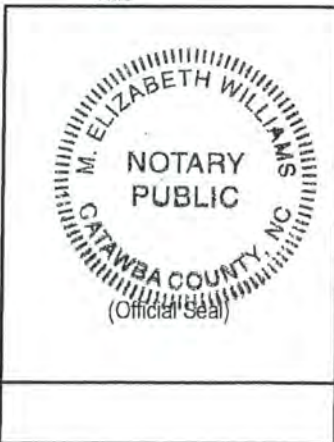
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing.

(Entity Name)

By: \_\_\_\_\_ (Seal)
Matthew T. Varney

By: \_\_\_\_\_ (Seal)
Yer Vang

USE BLACK INK ONLY



STATE OF NORTH CAROLINA COUNTY OF CATAWBA

I, M. Elizabeth Williams, a Notary Public for the State of North Carolina, County of Catawba, certify that Matthew T. Varney and Yer Vang, as PRINCIPAL herein, personally appeared before me this day and acknowledged the due execution of this instrument. Witness my hand and Official Seal on this Date shown.

Notary Public M. Elizabeth Williams Date 2/19/2020
My Commission Expires: April 11 2024

3555-0773

**It is the intention of the parties to this document to direct the tax collector of Catawba County to recombine the below parcels into one parcel for taxing purposes.**

Parcel 1:

BEING ALL of that area containing 0.80 acre entitled "Sold to State, Now James Yount Property" as would more particularly appear on a plat showing the property of the Henry P. Lutz Estate, Hickory Township, Catawba County, North Carolina, prepared by Joe. F. Robinson dated November 7, 1964, and recorded in Plat Book 12, at Page 95, Catawba County Registry, reference to said recorded plat being made for more particular description thereof.

This Deed is intended to convey title to the land lying between the present centerline of Startown Road (SR #1005) and the former centerline of Startown Road as it existed prior to 1964.

Parcel ID: 372119500224

LRK/REID: 904502

To be recombined with:

Parcel 2:

TRACT I:

BEGINNING AT A STAKE IN THE CENTER OF HICKORY-STARTOWN STATE HIGHWAY, A CORNER OF LOT NO. 2, AND RUNS WITH THE LINE OF LOT NO. 2, S 84° 10' E 1198 FEET TO A STAKE IN THE CARROLL PROPST LINE; THENCE WITH HIS LINE NORTH 6° E 281 FEET TO A STAKE, CORNER OF LOT NO. 4; THENCE WITH THE LINE OF LOT NO. 4, NORTH 84° 10' WEST 1178 FEET TO A STAKE IN THE HICKORY-STARTOWN STATE HIGHWAY; THENCE WITH THE CENTER OF SAID STATE HIGHWAY SOUTH 11° 30' WEST 281 FEET TO THE BEGINNING, CONTAINING 7-3/4 ACRES, MORE OR LESS, ACCORDING TO SURVEY MADE BY G. SAM ROWE, C.E., IN NOVEMBER, 1942, AND BEING LOT NO. 3, IN THE DIVISION OF THE LANDS OF H.P. LUTZ, DECEASED.

TRACT II:

BEGINNING AT AN IRON STAKE AT THE EAST EDGE OF AN OLD ROAD NEAR THE OLD AVERY BAKER HOUSE, AND RUNS WITH CLOYD BUMGARNER, N 57° W 270 FEET TO A POINT IN THE CENTER OF THE STATE HIGHWAY LEADING FROM STARTOWN TO HICKORY; RUNNING THENCE WITH THE CENTER OF SAID STATE HIGHWAY S 45° 30' E 200 FEET; THENCE S 40° E 100 FEET; THENCE S 28° 40' E 100 FEET; THENCE S 18° 40' E 100 FEET; THENCE S 9° E 100 FEET; THENCE S 1° 15' W 100 FEET; THENCE S 9° 15' W 100 FEET; THENCE S 9° 15' W 69 FEET TO A POINT IN THE CENTER OF SAID HIGHWAY, THE NORTHWEST CORNER OF LOT NO. 3; THENCE WITH LINES OF SAID LOT NO. 3, S 84° 10' E 1178 FEET TO A STAKE ON THE OLD LINE, ADJOINING CARROLL PROPST; THENCE WITH SAID OLD LINE N 6° E 292 FEET TO A STONE, AN OLD CORNER; THENCE WITH THE AVERY BAKER LINE N 41° W 358.5 FEET TO AN IRON STAKE; THENCE CONTINUING WITH AVERY BAKER LINE N 85° W 1030.5 FEET TO THE POINT OF BEGINNING, CONTAINING 14.45 ACRES, MORE OR LESS. BEING LOTS NOS. 4 AND 5 OF THE DIVISION OF THE H.P. LUTZ LANDS, AS SURVEYED AND PLATTED BY G. SAM ROWE, C.E., IN NOVEMBER, 1942.

LESS AND EXCEPTED FROM THE ABOVE DESCRIBED TRACTS OF LAND IS THAT PORTION CONVEYED TO JONATHAN T. MCLELLAND AND WIFE, ASHLEY B. MCLELLAND BY THAT DEED DATED JANUARY 2, 2015 AND RECORDED IN BOOK 3272 AT PAGE 743, CATAWBA COUNTY REGISTRY.

REID: 904364

**VOLUNTARY CONTIGUOUS ANNEXATION ANALYSIS**

**APPLICANT:** Matthew Varney and Yer Vang Varney

**AGENT:** Piedmont Companies, Inc.

**PROPERTY LOCATION:** 2356 Startown Road

**PIN:** 372119509129

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

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

**ACREAGE:** 11.147 acres

**DEVELOPMENT POTENTIAL:** The property is currently occupied by a single family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property division could theoretically create up to 23 dwellings.

If annexed, the owners have requested the property be rezoned to R-2 Residential. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings.

**TAX VALUE:** The current tax value of the property is \$376,400.00. If annexed, the vacant property would generate \$1712.62 in additional tax revenues.

**POPULATION INCREASES:** The property is occupied by one single-family residence. Occupied dwellings within Hickory generated an estimated 2 to 3 additional residents. This estimate is based upon the U.S. Census Bureau’s residential household size estimate for single-family dwellings in the city, which is 2.35 persons per household.

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

School Type	School District	Student Multiplier Per Dwelling	Number of Potential or Existing Dwelling Units	Potential Additional Students
Elementary	Startown	0.22	1	0-1
Middle	Maiden	0.08	1	0-1
High	Maiden	0.11	1	0-1

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

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

- **North:** The property zoned Planned Development (PD) is being developed for single family homes.
- **South:** The property is zoned R-20 Residential by Catawba County and occupied by a single family home.
- **East:** The properties are zoned R-20 Residential by Catawba County and is vacant.
- **West:** The properties are zoned R-20 Residential by Catawba County and is occupied by a single family home.

**UTILITY SERVICE:** Water and sewer available in the area to serve the site. The developer will be responsible for any extensions needed to serve any proposed development.

**ACCESS:** Access to the subject property is from Startown Road, which is maintained by the North Carolina Department of Transportation (SR 1005).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is contiguous to the proper city boundary along its northern boundary.

**STAFF COMMENTS:**

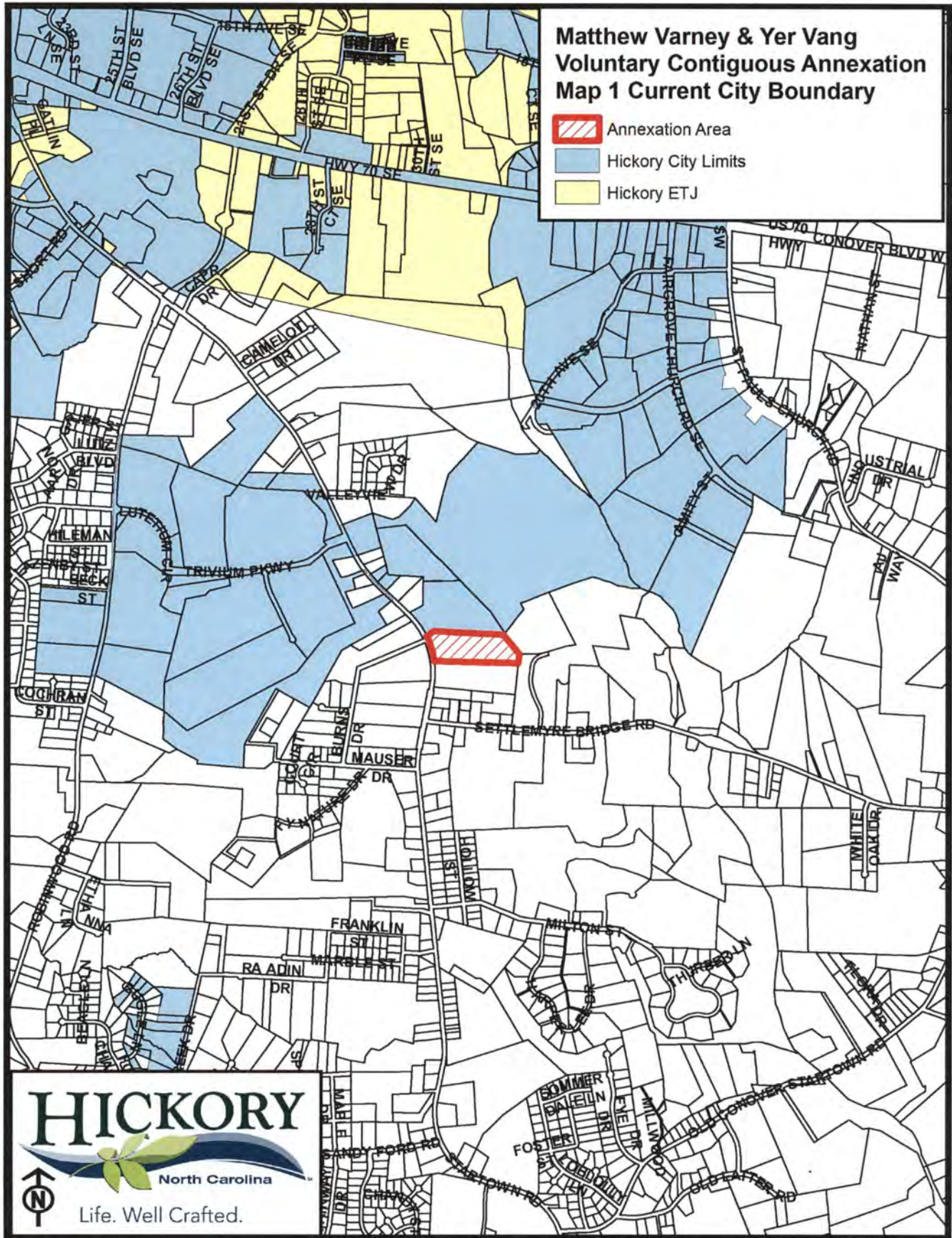
- **Fire:** Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 5's response area.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, would be in Charles PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer available in the area to serve the site. The developer will be responsible for any extensions needed to serve any proposed development.
- **Legal:** No objections.
- **City Manager's Office:** No objections.

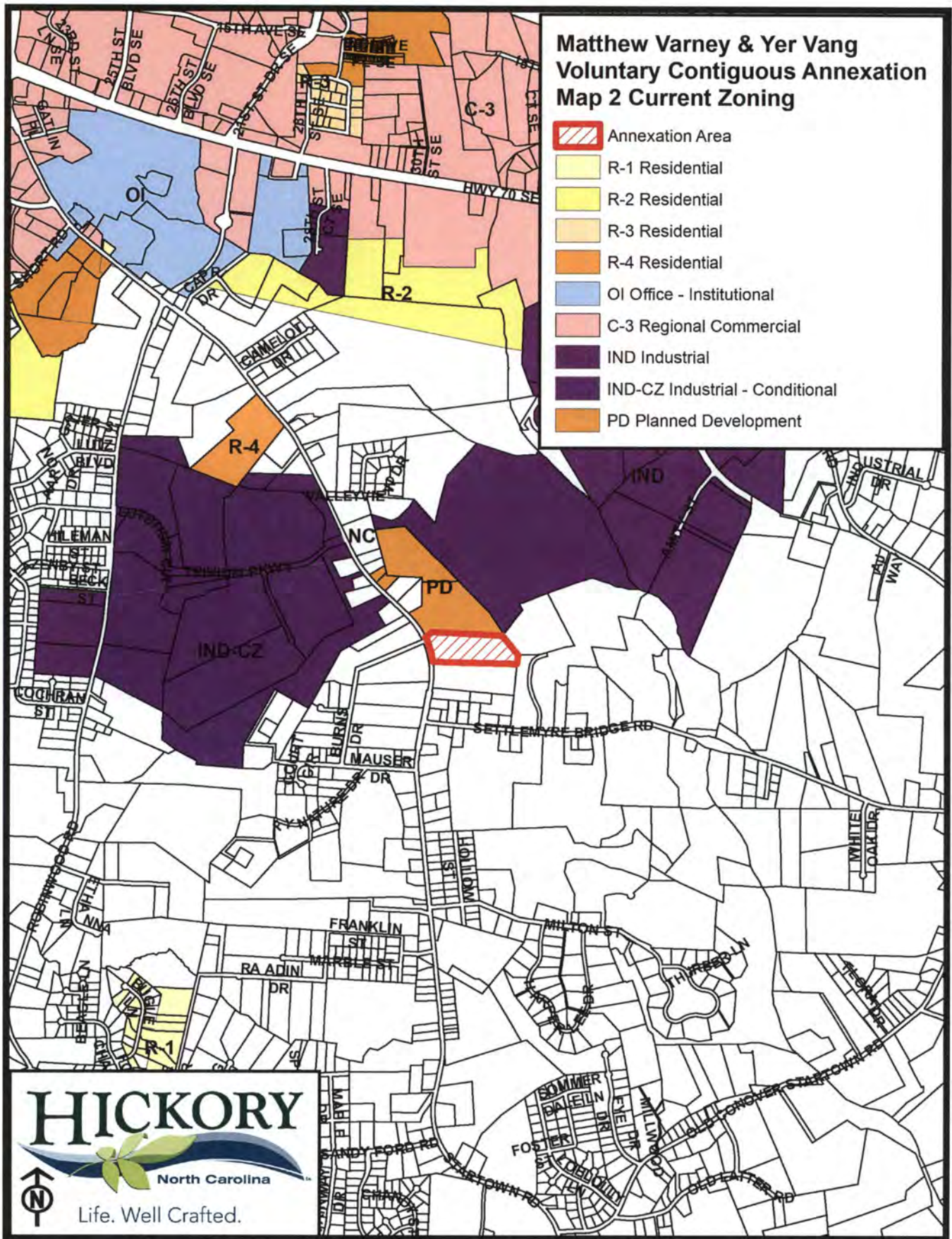


**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:


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

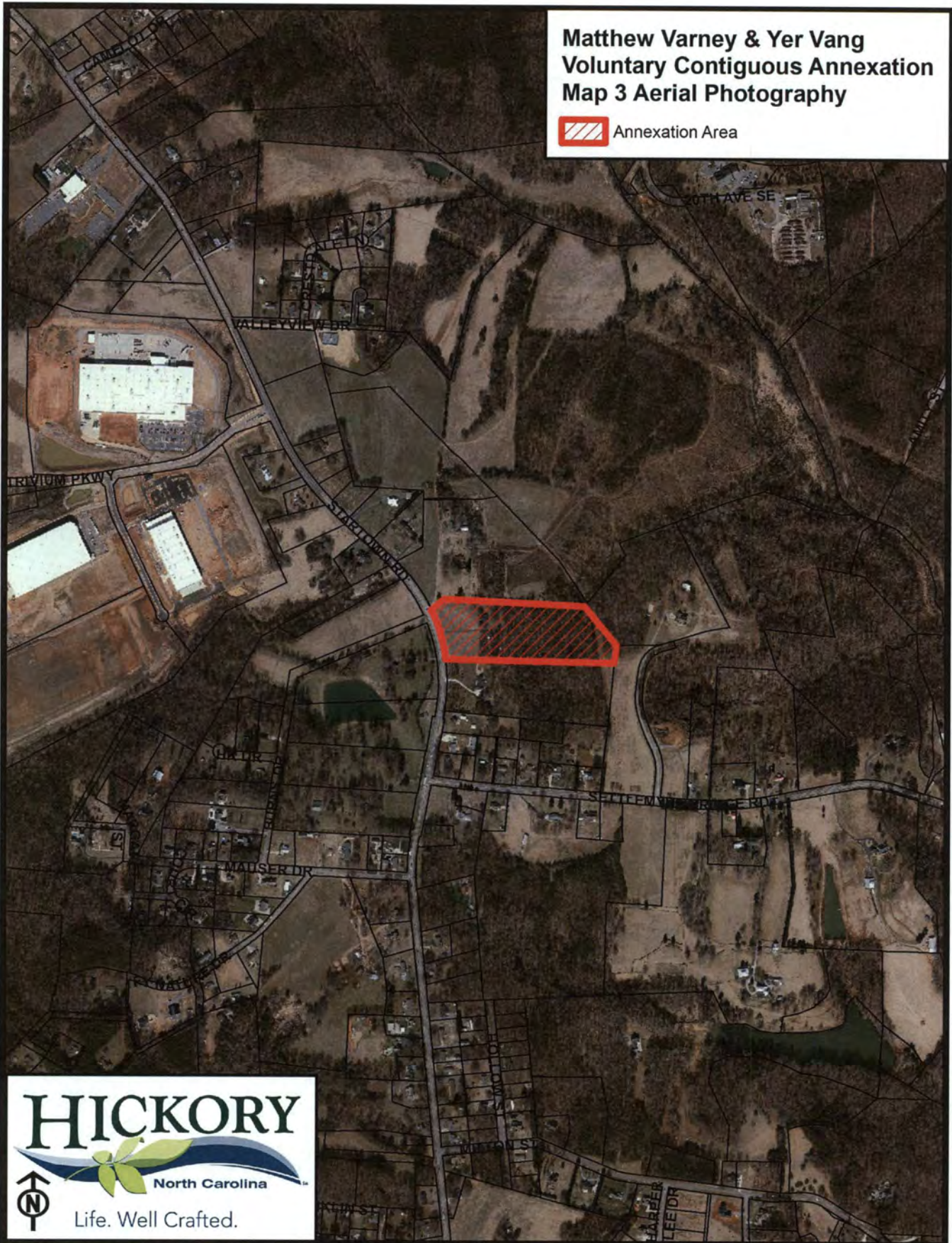
Based upon the findings provided above, staff recommends City Council approve the voluntary contiguous annexation petition.





**Matthew Varney & Yer Vang  
Voluntary Contiguous Annexation  
Map 3 Aerial Photography**

 Annexation Area



**HICKORY**



North Carolina

Life. Well Crafted.

Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory  
P.O. Box 398, Hickory, NC 28603-0398

**ANNEXATION ORDINANCE NO. 498**

**VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)**

**Matthew Varney and wife Yer Vang**

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

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

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

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 19<sup>th</sup> day of March, 2024; and

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

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

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

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

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

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

**Contiguous Annexation  
by the City of Hickory  
of the property known as  
Matthew Varney and wife Yer Vang**

That certain property or tract of land lying and being about 5.32 miles southeast of the center of the City of Hickory. Bounded on the north by the existing City of Hickory city limits as shown in Plat Book 79 at Page 70 and other lands of Piedmont Companies, Inc. as described in Deed Book 3715 at Page 1709; on the east by the lands of Jason Ronald Sain as described in Deed Book 3047 at Page 1713 and Deed Book 3623 at Page 1853; on the south by the lands of Alan Devite as described in Deed Book 3495 at Page 1558; on the west by Startown Road (S.R. 1005) and more particularly described as follows, to wit.

Beginning at ½" rebar in the south line of the Piedmont Companies, Inc. as described in Deed Book 3715 at Page 1709 and the City of Hickory city limits line

as shown in Plat Book 79 at Page 70 and running thence, as the south line of Piedmont Companies, Inc. and existing city limits the following calls: North 52 degrees 46 minutes 01" East 121.32 feet to a 1/2" rebar; thence South 86 degrees 19 minutes 34 seconds East 417.02 feet to a 1" rebar; thence South 86 degrees 47 minutes 22 seconds East 568.81 feet to a 1 1/4" pipe, the southeast corner of the Piedmont Companies, Inc. lands in the west line of the lands of Jason Ronald Sain as described in Deed Book 3047 at Page 1713; thence, with the west line of Sain and as new City of Hickory city limits lines, South 40 degrees 35 minutes 48 seconds East 356.34 feet to an existing stone, the northwest corner of the lands of Jason Ronald Sain as described in Deed Book 3623 at Page 1853; thence, with the west line of Sain, South 05 degrees 50 minutes 12 seconds West 126.19 feet to a 1/2" rebar in the west line of Sain, the northeast corner of the lands of Alan Devite as described in Deed Book 3495 at Page 1558; thence, with the north line of Devite, the following calls: North 88 degrees 33 minutes 27 seconds West 565.78 feet to a 1/2" rebar; thence North 88 degrees 34 minutes 12 seconds West 398.65 feet to a 1/2" rebar; thence north 88 degrees 34 minutes 34 seconds West 230.00 feet to a 1/2" rebar; thence, continuing the same bearing, 31.19 feet to a point in Startown Road (S. R. 1005); thence, running with Startown Road (S.R. 1005), the following calls: North 09 degrees 17 minutes 50 seconds West 67.28 feet to a point; thence North 13 degrees 39 minutes 23 seconds West 90.26 feet to a point; thence North 16 degrees 53 minutes 17 seconds West 47.71 feet to a point; thence North 20 degrees 08 minutes 16 seconds West 71.00 feet to a point; North 23 degrees 46 minutes 39 seconds West 71.41 feet to a point; thence, leaving Startown Road (S.R. 1005), North 52 degrees 46 minutes 01 seconds East 31.13 feet to the point of beginning. Containing 11.147 acres more or less. This description is drawn from a plat by Derek R. Bunton, PLS-4808 entitled "Contiguous Annexation by the City of Hickory known as Matthew T. Varney and wife, Yer Vang" dated October 23, 2023.

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

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

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

ADOPTED THIS 19<sup>TH</sup> DAY OF MARCH, 2024.

\_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Warren Wood, City Manager

Approved As To Form:

\_\_\_\_\_  
Arnita M. Dula, Deputy City Attorney



**CERTIFICATION OF ANNEXATION ORDINANCE**

NORTH CAROLINA  
CATAWBA COUNTY  
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of Matthew Varney and wife Yer Vang was adopted at a regular meeting of the Hickory City Council held on March 19, 2024, and that said Ordinance is in full force and effective on March 31, 2024.

\_\_\_\_\_  
City Clerk

NORTH CAROLINA  
CATAWBA COUNTY

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

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

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

5

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development – Planning and Development

**Contact Person:** Cal Overby, Planning Manager

**Date:** March 7, 2024

**Re:** Rezoning Petition 24-04

**REQUEST**

Consideration of Rezoning Petition 24-04.

**BACKGROUND**

Request by Piedmont Companies, Inc, agents for Matthew Varney and Yer Vang for the consideration of rezoning of 11.147 acres of property located at 2536 Startown Road from Catawba County R-20 Residential to City of Hickory R-2 Residential.

**ANALYSIS**

The property is currently occupied by a single family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property subdivision could theoretically create up to 23 dwellings.

The subject property is currently in the process of being annexed, and as part of the annexation process, the owners have requested the property be rezoned to R-2 Residential. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings.

**RECOMMENDATION**

The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024 to consider the petition. During the public hearing, the owner's agent spoke in favor of the rezoning petition, while no one spoke in opposition.

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

**CITIZEN INPUT**

As of March 7, 2024, staff has not received any inquiries regarding this petition.

**BUDGET ANALYSIS:**

**Budgetary Action**

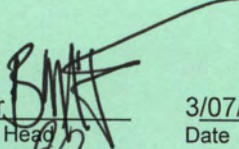
Is a Budget Amendment required?

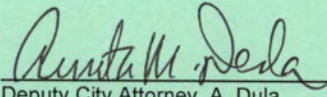
Yes

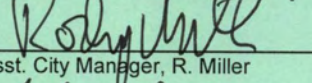
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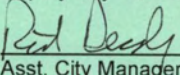
**LIST THE EXPENDITURE CODE:**

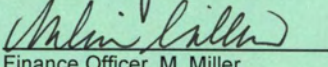
**Reviewed by:**

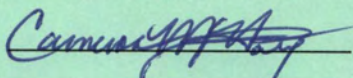
Brian M. Frazier  3/07/2024  
Initiating Department Head Date

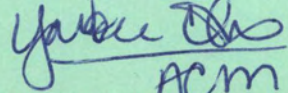
Aurita M. Duda  3-11-24  
Deputy City Attorney, A. Dula Date

Robby Miller  3/11/24  
Asst. City Manager, R. Miller Date

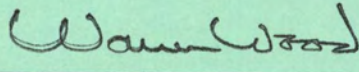
Rob Beasley  3/12/24  
Asst. City Manager R. Beasley Date

Melvin Miller  3/13/24  
Finance Officer, M. Miller Date

Camryn [Signature]  3-12-24  
Date

Yvonne [Signature]  3/12/24  
acm Date

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

W. Wood   
City Manager, W. Wood

3.13.2024  
Date

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

DATE SUBMITTED: February 2, 2024

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

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

1. The property proposed to be rezoned is located on Startown Road between Trivium Parkway and Settlemyre Bridge Road.

PIN NO. (S): 372119509129

Physical (Street) Address: 2536 Startown Road

2. The property is owned by: (please print) Matthew and Ver Yang Varney

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

Owner Information:

Name: Matthew and Ver Yang Varney

Address: 2536 Startown Road

Phone Number: 828-430-1486

Email Address: \_\_\_\_\_

3. The petition is submitted by: Guy Long / Piedmont Companies, Inc.

(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: Guy Long / Piedmont Communities, Inc.

Address: P.O. Box 1732, Lincolnton, NC 28092

Phone Number: 704-736-4121

City of Hickory Rezoning Application (Non-PD or CZ)

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

FROM: R-20 Residential TO: R-2 Residential

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

**5. OWNER'S AFFIDAVIT**

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

\_\_\_\_\_  
**Printed Name of Owner**

\_\_\_\_\_  
**Signature of Owner**

**(Please choose the appropriate notary block)**

State of North Carolina – County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

State of North Carolina – County of \_\_\_\_\_

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.**

**REZONING ANALYSIS****PETITION:** 24-04**APPLICANT:** Piedmont Companies, Inc.**OWNERS:** Matthew Varney and Ver Yang Varney**PROPERTY LOCATION:** 2536 Startown Road**PIN:** 372119509129**WARD:** The property owners have petitioned for voluntary contiguous annexation, if annexed, this property will be located in Ward 3 (Councilman Seaver).**ACREAGE:** 11.147 acres.**REQUESTED ACTION:** Rezone the property from Catawba County R-20 Residential to City of Hickory R-2 Residential.**BACKGROUND:** The property is currently zoned R-20 Residential by Catawba County, and is in the process of being considered for voluntary annexation by the City of Hickory. If annexed, the owners have requested the property be rezoned to R-2 Residential.**DEVELOPMENT POTENTIAL:** The property is currently occupied by a single family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property subdivision could theoretically create up to 23 dwellings.

As part of the annexation process, the owners have requested the property be rezoned to R-2 Residential. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings.

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

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

*The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).*

*The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: "Medium density residential areas make up a large portion of the City north of I-40, as well as smaller areas in the southeastern part of town. These residential areas are associated with each neighborhood mixed use area as well as adjacent high density residential districts and/or higher intensity commercial districts throughout the City. Medium density residential areas will expand the existing housing character in the City, and they will provide a medium density housing option where the gross density would be approximately two to four units per acre in established single-family detached areas, and eight to ten units per acre in historically mixed residential areas"*

with higher density. Although the housing density would be less than the high-density residential areas, pedestrian and vehicular circulation strategies employed here will continue the pattern of connectivity from the more intensely developed areas. Most of the land in this land use category is in areas where natural constraints are fewer. Conservation subdivision principles should be used to conserve flood plains, wetlands, and minimize storm water runoff in watershed protection areas. The use of conservation design principles should look beyond individual subdivisions in the medium density residential area and identify opportunities for connecting to open space in other areas of Hickory" (HBC 2030, Pg. 25).

A land use goal listed in Chapter 3 of the Hickory by Choice 2030 Comprehensive Plan also demonstrates the plan's vision for land use and the requested rezoning. One goal is to provide for uses that complement the surrounding area. The requested district is a residential district, as is the existing district, but the notable difference would be density. The current zoning permits density up to 2 dwellings per acre, while the requested zoning permits 4 dwellings per acre. Although the density may be different, the types and forms of uses are very similar. The requested zoning also serves as somewhat of a transition between the existing lower density residential areas and the more intense residential and industrial projects to the north.

Given these factors, the rezoning of the properties to R-2 Residential 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 properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a medium density residential area that provides opportunities for residential development. The permissible uses and intensities of R-2 Residential zoning are similar to those of the existing R-20 Residential zoning, with the difference being a higher permissible density. Additionally, R-2 Residential zoning is listed by the comprehensive plan as an implementing district for medium density residential areas.

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

The development regulations contained within the Hickory Land Development Code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.

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

The subject property has access to a NCDOT maintained roadway, Startown Road (SR 1005), as well as access to public utilities. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of the subject property, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

*The current land use pattern of the larger area is predominately residential in nature. The exception to this is the Trivium Business Park, which houses several large manufacturing facilities and serves as a large employment center. Any future residential use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.*

- Ensure protection from fire, flood and other dangers.

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

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

- **North:** The property is zoned Planned Development (PD) and is being developed for single family homes.
- **South:** The property is zoned R-20 Residential by Catawba County and occupied by a single family home.
- **East:** The properties are zoned R-20 Residential by Catawba County and is vacant.
- **West:** The properties are zoned R-20 Residential by Catawba County and are occupied by a single family home or vacant.

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

*The current zoning and use of the larger area is predominantly residential, with the exception of the Trivium Business Park. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district does the same.*

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

*Most of the area surrounding the subject property is residential, and the requested district is residential. Being the requested district is residential in nature, if ever developed, such development would add additional residences to the area.*

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

*Public resources to provide critical public services are in place or will be put in place by the property owner should development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.*



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

*Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.*

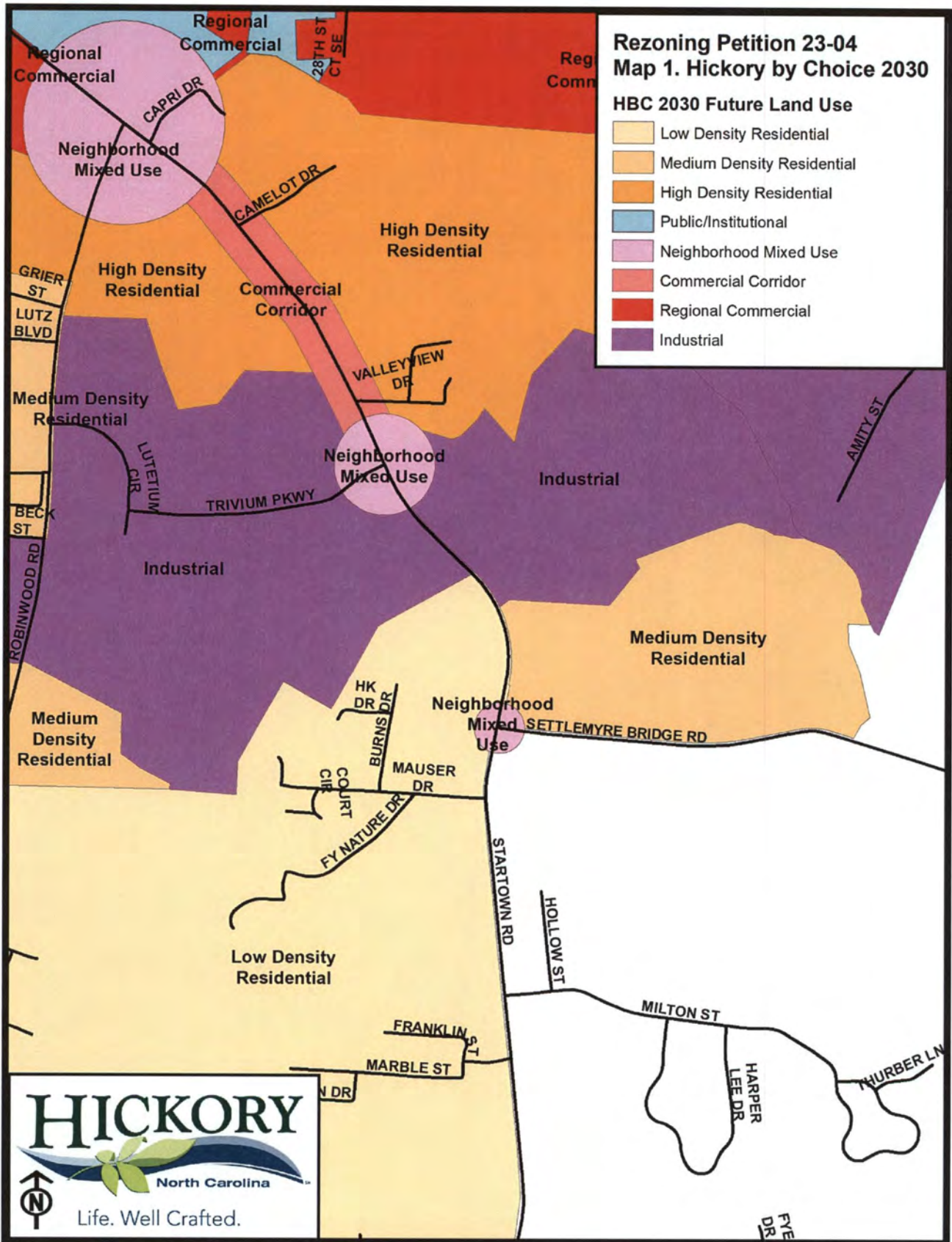
**RECOMMENDED ACTION:**

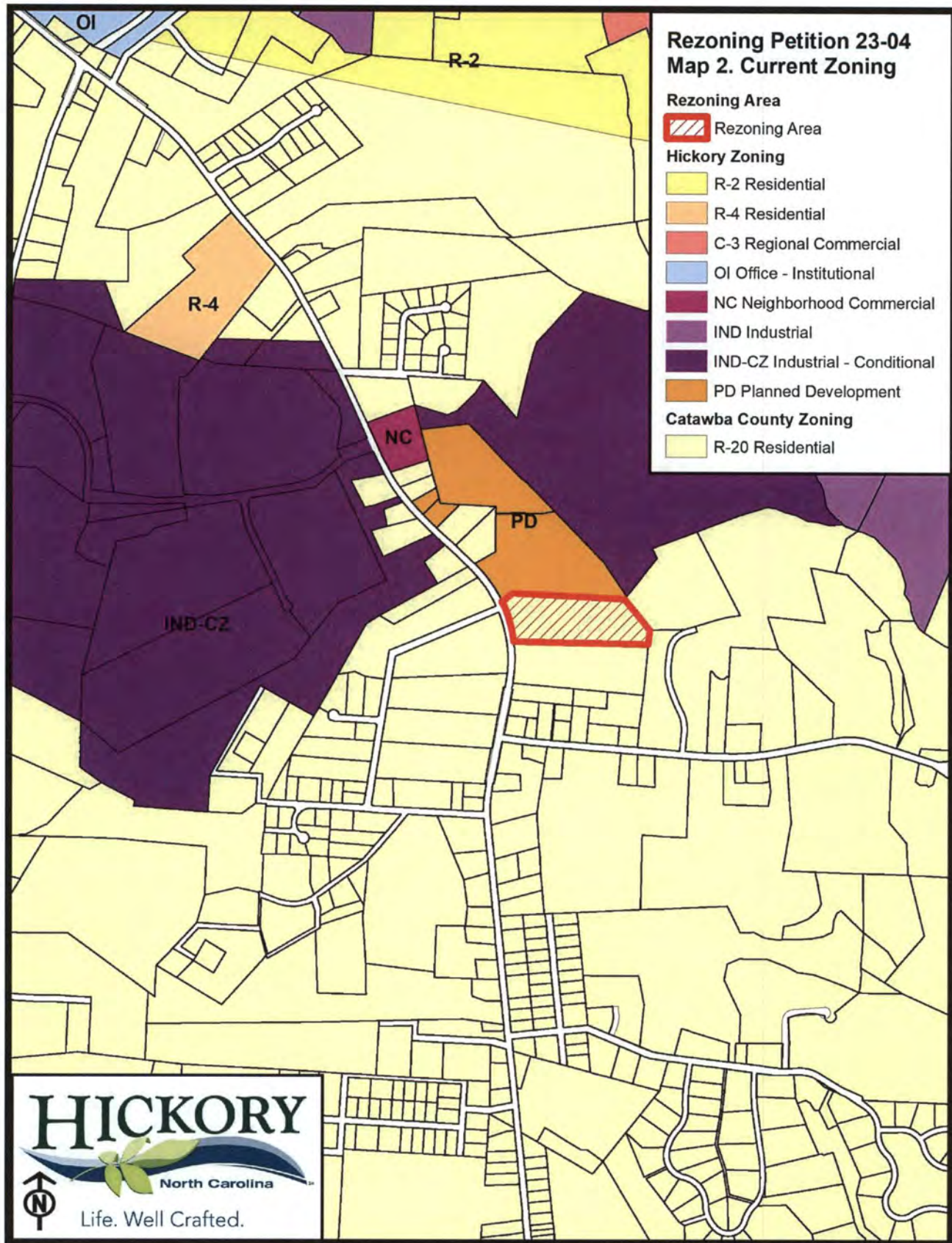
The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024 to consider the petition. During the public hearing, the owner's agent spoke in favor of the rezoning petition, while no one spoke in opposition.

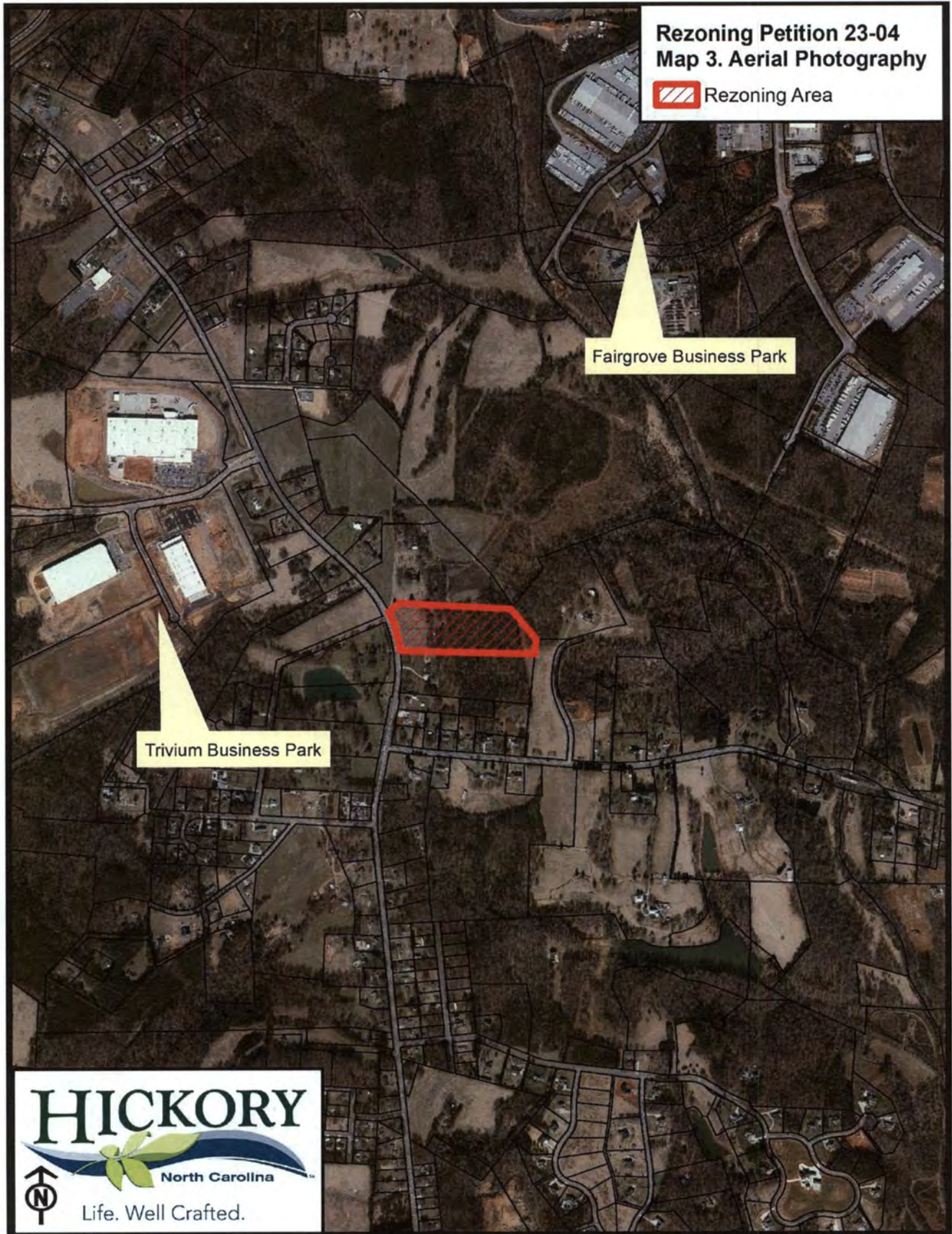
Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously to recommend approval of the petition. Staff concurs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

**CITIZEN INPUT:**

As of March 7 2024 staff has received no inquiries regarding this petition.









Life. Well Crafted.

**HICKORY REGIONAL PLANNING COMMISSION  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT**


On February 28, 2024 the Hickory Regional Planning Commission conducted a Public Hearing for the purpose of considering Rezoning Petition 24-04. Upon consideration, the Hickory Regional Planning Commission found:

1. The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan.
2. The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: "Medium density residential areas make up a large portion of the City north of I-40, as well as smaller areas in the southeastern part of town. These residential areas are associated with each neighborhood mixed use area as well as adjacent high density residential districts and/or higher intensity commercial districts throughout the City. Medium density residential areas will expand the existing housing character in the City, and they will provide a medium density housing option where the gross density would be approximately two to four units per acre in established single-family detached areas, and eight to ten units per acre in historically mixed residential areas with higher density. Although the housing density would be less than the high-density residential areas, pedestrian and vehicular circulation strategies employed here will continue the pattern of connectivity from the more intensely developed areas. Most of the land in this land use category is in areas where natural constraints are fewer. Conservation subdivision principles should be used to conserve flood plains, wetlands, and minimize storm water runoff in watershed protection areas. The use of conservation design principles should look beyond individual subdivisions in the medium density residential area and identify opportunities for connecting to open space in other areas of Hickory" (HBC 2030, Pg. 25).
3. A land use goal listed in Chapter 3 of the Hickory by Choice 2030 Comprehensive Plan also demonstrate the plan's vision for land use and the requested rezoning. One goal is to provide uses that complement the surrounding area. The requested district is a residential district, as is the existing district, but the notable difference would be density. The current zoning permits density up to 2 dwellings per acre, while the requested zoning permits 4 dwellings per acre. While density may be different, the types and forms of uses are very similar. The requested zoning also serves as somewhat of a transition between the existing lower density residential areas and the more intense residential and industrial projects to the north.
4. Public resources to provide critical public services are or will be in place to service the property , if developed. These include public utilities and transportation infrastructure.
5. Any future development occurring on the subject property 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.

6. Public resources to provide critical public services are or will be in place to service the property. These include public utilities, transportation infrastructure, as well as police and fire protection.
7. The subject property will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

Based upon these findings, the Hickory Regional Planning Commission has found Rezoning Petition 24-04 to be consistent with the findings and recommendations of plans outlining development in the area and recommends Hickory City Council approval of the petition.

  
\_\_\_\_\_  
Bill McBrayer, Chairman  
Bill Pekman, Vice-Chair

2.28.2024.  
Date

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 11.147 ACRES OF PROPERTY LOCATED AT 2536 STARTOWN ROAD, FROM R-20 RESIDENTIAL TO R-2 RESIDENTIAL.**

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

WHEREAS, the property owner has been petitioned to rezone +/- 11.147 acres of property located at 2536 Startown Road, more particularly described on **Exhibit A** attached hereto, to allow a R-2 Residential District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 28, 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 24-04 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 at 25636 Startown Road and identified as PIN 372119509129.
- 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 5

### SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan states the following about such areas: “well as smaller areas in the southeastern part of town. These residential areas are associated with each neighborhood mixed use area as well as adjacent high density residential districts and/or higher intensity commercial districts throughout the City. Medium density residential areas will expand the existing housing character in the City, and they will provide a medium density housing option where the gross density would be approximately two to four units per acre in established single-family detached areas, and eight to ten units per acre in historically mixed residential areas with higher density. Although the housing density would be less than the high-density residential areas, pedestrian and vehicular circulation strategies employed here will continue the pattern of connectivity from the more intensely developed areas. Most of the land in this land use category is in areas where natural constraints are fewer. Conservation subdivision principles should be used to conserve flood plains, wetlands, and minimize storm water runoff in watershed protection areas. The use of conservation design principles should look beyond individual subdivisions in the medium density residential area and identify opportunities for connecting to open space in other areas of Hickory.

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

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

- Implement the Hickory by Choice 2030 Comprehensive Plan.

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

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

All improvements that are to take place on the property 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 have access to a state-maintained roadway, Startown Road (SR1005) and also has access to water and sewer infrastructure. The land-use pattern of the area, with

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the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is predominately residential in nature. The exception to this is the Trivium Business Park, which houses several large manufacturing facilities and serves as a large employment center. Any future residential use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood and other dangers.

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

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

The current zoning and use of the larger area is predominantly residential, with the exception of the Trivium Business Park. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district does the same.

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

Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and 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.

Most of the area surrounding the subject property is residential, and the requested district is residential. Being the requested district is residential in nature, if ever developed, such development would add additional residences to the area.

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

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

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-04 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

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