



CONOVER

North Carolina

Conover City Council

Regular Meeting Minutes

Tuesday, January 2, 2024 at 6:00 PM

Conover City Hall Council Chambers

101 1st Street E, Conover

A Regular Meeting of the Conover City Council was held on Tuesday, January 2, 2024 at 6:00 PM in the Council Chambers of Conover City Hall.

I. CALL TO ORDER

Kyle J. Hayman, Mayor

Council Members Present:

Mayor Kyle Hayman
Mayor Pro Tem / Council Member Bruce Eckard
Council Member Mark Canrobert
Council Member Joie Fulbright
Council Member Jim Green
Council Member Brenda Powell

Council Members Absent:

None

Staff Present:

City Manager Tom Hart, City Clerk Stephanie Watson, City Attorney Susan Matthews, Human Resources Madeleine Epley, Finance Director Kurt L. Beal, Planning Director Erik Schlichting, Public Works Director Terry R. Jones, Public Utilities Director Brian Bradshaw, Police Chief Eric Loftin, Interim Fire Chief Mark Stafford, Information Technology Director Chris Niver, Major Robert Houston, Officer Austin Hice, Corporal Patrick Craig, Sergeant Greg Ream, Corporal Stephen Bumgarner, Deputy Fire Chief Jackie Lail, Fire Engineer Mike Nelson, Fire Marshall Eddie Chapman, Fire Captain Derren Chewing, Fire Lt. Tyler Hamby, Fire Engineer Morgan Jacobs, Fire Lt. Matt Smith, Fire Captain Wayne Isenhour, Fire Engineer Logan Ellis, Firefighter Jeremy Womble, Firefighter Scott Brinkley, Fire Lt. Jeff Hefner, Fire Bostain Chris Boston, Part Time Firefighter James Brinkley, and Part Time Firefighter Josh Dancy.

II. INVOCATION

Rev. Helen M. Bledsoe, Covenant Christian Church

III. PLEDGE OF ALLEGIANCE

Kyle J. Hayman, Mayor

IV. APPROVAL OF AGENDA

Upon motion duly made by Council Member Fulbright, seconded by Council Member Green, it was DECLARED:

That the Tuesday, January 2, 2024 Agenda be - ADOPTED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

V. APPROVAL OF CONSENT AGENDA

All items below are considered to be routine by the City Council and will be enacted by one motion. 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 the Business Agenda section.

Item 1: Approval of Minutes

Mayor Kyle J. Hayman presented the minutes from the December 4, 2023 Regular Meeting and from the December 6, 2023 Continued Meeting (Continued from December 4, 2023).

Item 2: Agreement Between the Western Piedmont Council of Governments and the City of Conover for the Provision of ADA Planning Maintenance Assistance

Mayor Kyle J. Hayman presented Agreement Between the Western Piedmont Council of Governments and the City of Conover for the Provision of ADA Planning Maintenance Assistance.

Upon motion duly made by Council Member Canrobert, seconded by Mayor Pro Tem / Council Member Eckard, it was DECLARED:

That the Consent Agenda be - ADOPTED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None

ABSTAIN:	None
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VI. BUSINESS AGENDA

Item 3: Comments from Visitors and Guests

Mayor Hayman opened the public comment period.

There were no comments.

Upon motion duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Powell, it was DECLARED:

That public comment period for visitors and guests be - CLOSED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

Item 4: Resolution 01-24: Certificate of Appreciation for Mark Stump for His Years of Service

Mayor Hayman presented Resolution 01-24: Certificate of Appreciation for Mark Stump for His Years of Service.

Upon motion duly made by Mayor Hayman, seconded by Council Members Fulbright and Mayor Pro Tem / Council Member Eckard, it was DECLARED:

That Resolution 01-24: Certificate of Appreciation for Mark Stump for His Years of Service be - ADOPTED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Resolution 01-24: Certificate of Appreciation for Mark Stump for His Years of Service contained in the exhibit file called 2024 Resolutions.)

**CITY OF CONOVER
RESOLUTION 01-24**

**CERTIFICATE OF APPRECIATION
MARK L. STUMP**

25 YEARS OF SERVICE

WHEREAS, MARK L. STUMP HAS SERVED THE CITY OF CONOVER POLICE DEPARTMENT SINCE NOVEMBER OF 1998; BEING PROMOTED TO SERGEANT IN 2010; AND

WHEREAS, SERGEANT STUMP ATTENDED AND GRADUATED FROM THE UNIVERSITY OF LOUISVILLE'S SOUTHERN POLICE INSTITUTE PROGRAM IN MAY 2008; AND

WHEREAS, HE SUCCESSFULLY COMPLETED THE NORTH CAROLINA CRIMINAL JUSTICE COMMISSION REQUIREMENTS FOR TRAINING, EDUCATION, AND YEARS OF SERVICE; AND

WHEREAS, SERGEANT STUMP WAS AWARDED THE ADVANCED LAW ENFORCEMENT CERTIFICATE THE HIGHEST LAW ENFORCEMENT CERTIFICATION IN THE STATE OF NORTH CAROLINA IN THE YEAR 2008; AND

WHEREAS, SERGEANT STUMP'S IMPACT ON HIS COMMUNITY EXTENDS FAR BEYOND THE WALLS OF THE CONOVER POLICE DEPARTMENT, RECEIVING APPRECIATION FOR HIS SERVICE FROM VARIOUS COMMUNITY MEMBERS; AND

WHEREAS, THESE 25 YEARS OF DEDICATED SERVICE HAVE BEEN CHARACTERIZED BY HIS UNWAVERING COMMITMENT TO IMPROVE AND PROTECT THE COMMUNITY AND PUBLIC HE SERVED; AND

NOW, THEREFORE BE IT RESOLVED, THE CONOVER CITY COUNCIL, ON BEHALF OF THE CITIZENS OF CONOVER, PUBLICLY COMMENDS **MARK L. STUMP** FOR HIS OUTSTANDING SERVICE TO THE CITY OF CONOVER.

ADOPTED THIS THE 2ND DAY OF JANUARY, 2024.

Item 5: Resolution 02-24: Certificate of Appreciation for Reverend Don Bledsoe for His Years of Service

Mayor Hayman presented Resolution 02-24: Certificate of Appreciation for Reverend Don Bledsoe for His Years of Service.

Upon motion duly made by Mayor Hayman, seconded by Council Members Fulbright and Mayor Pro Tem / Council Member Eckard, it was DECLARED:

That Resolution 02-24: Certificate of Appreciation for Reverend Don Bledsoe for His Years of Service be - ADOPTED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None

ABSTAIN:	None
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(Resolution 02-24: Certificate of Appreciation for Reverend Don Bledsoe for His Years of Service contained in the exhibit file called 2024 Resolutions.)

**CITY OF CONOVER
RESOLUTION 02-24**

**CERTIFICATE OF APPRECIATION
REVEREND DON W. BLEDSOE**

WHEREAS, REVEREND DON BLEDSOE WAS HONORED FOR HIS 50 YEARS OF MINISTERIAL SERVICE IN 2023; AND

WHEREAS, REVEREND DON BLEDSOE HAS SERVED AS A CHAPLAIN WITH THE CONOVER POLICE DEPARTMENT SINCE SEPTEMBER 1997 AND HAS CONTINUOUSLY SERVED IN THAT CAPACITY UNTIL PRESENT; AND

WHEREAS, THESE YEARS OF SERVICE HAVE BEEN CHARACTERIZED BY A ZEALOUS COMMITMENT TO THE OFFICERS OF THE CONOVER POLICE DEPARTMENT AND THE CITIZENS OF CONOVER DESPITE RISK OF PERSONAL HARM; HAVING ATTENDED OVER 780 HOURS OF TRAINING AND HAVING DONE OVER 2,500 RIDE ALONG HOURS WITH OFFICERS DURING THEIR RESPECTIVE SHIFTS; AND

WHEREAS, THIS COMMITMENT TO THE ORGANIZATION AND THE CITY INCLUDES ORGANIZING THE 9/11 EVENT SPONSORED BY THE CITY OF CONOVER AND PARTICIPATING IN BOTH THE NATIONAL NIGHT OUT EVENT AND THE SANTA COPS PROGRAM SINCE THEIR INCEPTION. HE HAS ALSO PARTICIPATED AS A SPEAKER AND BEEN AN INTRICAL PART OF THE SAFE COMMUNITIES' INITIATIVE CALL-INS, PROVIDING COMMUNITY SUPPORT; AND

WHEREAS, REVEREND BLEDSOE HAS MADE HIMSELF AVAILABLE NUMEROUS TIMES TO OFFICERS AND THEIR FAMILIES WHEN THEY CALL UPON HIM; OFTEN PROVIDING COUNCILING WHEN NEEDED. HE HAS ATTENDED WEDDINGS, GRADUATIONS, AND FUNERALS, AND WHEN NEEDED, OFFERING HOSPITAL AND HOME VISITATIONS. HE AND HIS WIFE REVEREND HELEN BLEDSOE ALSO ALWAYS ARE SURE TO SEND CARDS AT HOLIDAYS AND BIRTHDAYS; AND

WHEREAS, REVEREND BLEDSOE HAS BEEN A MEMBER IN GOOD STANDING WITH THE INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS SINCE 1998, AND A FURTHER LIST OF ACCOMPLISHMENTS INCLUDE RECEIVING THE CHAPLAINS GOVERNOR'S AWARD FOR OUTSTANDING VOLUNTEER SERVICE; IN 1999, BEING AWARDED WITH A CERTIFICATE FROM ICPC FOR COMPLETING THE BASIC LEVEL CREDENTIALS FOR THE ORGANIZATION; IN 2003, BEING AWARDED WITH A CERTIFICATE FROM ICPC FOR COMPLETING THE SENIOR LEVEL CREDENTIALS; AND IN 2008, BEING AWARDED THE MASTER LEVEL CREDENTIALS FROM ICPC. IN 2014, HE RECEIVED THE ADJUNCT INSTRUCTOR CERTIFICATE FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL LAW ENFORCEMENT TRAINING CENTER; AND

WHEREAS, REVEREND DON BLEDSOE RETIRED FROM POLICE CHAPLAINCY ON DECEMBER 31, 2023; AND

WHEREAS, THE CONOVER CITY COUNCIL GRATEFULLY ACKNOWLEDGES HIS FIFTY YEARS OF MINISTERIAL SERVICE AND HIS TWENTY-SIX YEARS OF DEDICATED SERVICE AS A POLICE CHAPLAIN FOR THE CITY OF CONOVER.

NOW, THEREFORE BE IT RESOLVED THAT THE CONOVER CITY COUNCIL PUBLICLY COMMENDS REVEREND DONALD BLEDSOE FOR HIS OUTSTANDING SERVICE TO THE CITIZENS OF CONOVER AND TO THE CONOVER POLICE DEPARTMENT.

ADOPTED, THIS THE 2ND DAY OF JANUARY, 2024.

Item 6: Resolution 03-24: Certificate of Appreciation for Reverend Helen Bledsoe for Her Years of Service

Mayor Hayman presented Resolution 03-24: Certificate of Appreciation for Reverend Helen Bledsoe for Her Years of Service.

Upon motion duly made by Mayor Hayman, seconded by Council Members Fulbright and Mayor Pro Tem /

Council Member Eckard, it was DECLARED:

That Resolution 03-24: Certificate of Appreciation for Reverend Helen Bledsoe for Her Years of Service be - ADOPTED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Resolution 03-24: Certificate of Appreciation for Reverend Helen Bledsoe for Her Years of Service contained in the exhibit file called 2024 Resolutions.)

**CITY OF CONOVER
RESOLUTION 03-24**

**CERTIFICATE OF APPRECIATION
REVEREND HELEN BLEDSOE**

WHEREAS, REVEREND HELEN BLEDSOE BEGAN HER MINISTERIAL SERVICE IN SEPTEMBER OF 1998; AND

WHEREAS, REVEREND HELEN BLEDSOE HAS SERVED AS A CHAPLAIN WITH THE CONOVER POLICE DEPARTMENT SINCE OCTOBER 18, 1998 AND HAS CONTINUOUSLY SERVED IN THAT CAPACITY UNTIL PRESENT; AND

WHEREAS, THESE YEARS OF SERVICE HAVE BEEN CHARACTERIZED BY A ZEALOUS COMMITMENT TO THE OFFICERS OF THE CONOVER POLICE DEPARTMENT AND THE CITIZENS OF CONOVER DESPITE RISK OF PERSONAL HARM; HAVING ATTENDED OVER 750 HOURS OF TRAINING AND HAVING DONE WELL OVER 1,000 HOURS WITH OFFICERS DURING THEIR RESPECTIVE SHIFTS; AND

WHEREAS, THIS COMMITMENT TO THE ORGANIZATION AND THE CITY INCLUDES PARTICIPATING IN THE NATIONAL NIGHT OUT EVENT AND THE SANTA COPS PROGRAM SINCE THEIR INCEPTION. SHE ATTENDED THE SAFE COMMUNITIES' INITIATIVE CALL-INS PROVIDING COMMUNITY SUPPORT; AND

WHEREAS, REVEREND BLEDSOE'S ACCOMPLISHMENTS INCLUDE: RECEIVING THE CHAPLAINS AWARD FOR OUTSTANDING VOLUNTEER SERVICE; IN 1999, BEING ACCEPTED AS A MEMBER OF THE INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS (ICPC); IN 2005, BEING AWARDED WITH A CERTIFICATE FROM ICPC FOR COMPLETING THE BASIC LEVEL OF CREDENTIALS FOR THE ORGANIZATION; IN 2012, BEING AWARDED WITH A CERTIFICATE FROM ICPC FOR COMPLETING THE SENIOR LEVEL CREDENTIALS; AND IN 2014, BEING AWARDED THE MASTER LEVEL CREDENTIALS FROM ICPC WITH 350 HOURS OF PROFESSIONAL STUDIES; AND

WHEREAS, REVEREND BLEDSOE HAS MADE HERSELF AVAILABLE NUMEROUS TIMES FOR OFFICERS AND THEIR FAMILIES WHEN THEY CALL UPON HER; OFTEN PROVIDING COUNCILING WHEN NEEDED. SHE HAS ATTENDED WEDDINGS, GRADUATIONS, FUNERALS AND HOSPITAL AND HOME VISITATIONS. HER AND HER HUSBAND REVEREND DON BLEDSOE ARE SURE TO SEND HOLIDAY AND BIRTHDAY CARDS; AND

WHEREAS, REVEREND HELEN BLEDSOE RETIRED FROM POLICE CHAPLAINCY ON DECEMBER 31, 2023; AND

WHEREAS, THE CONOVER CITY COUNCIL GRATEFULLY ACKNOWLEDGES HER TWENTY-FIVE YEARS OF MINISTERIAL SERVICE AND HER TWENTY-FIVE YEARS OF DEDICATED SERVICE AS A POLICE CHAPLAIN.

NOW, THEREFORE BE IT RESOLVED THAT THE CONOVER CITY COUNCIL PUBLICLY COMMENDS REVEREND HELEN BLEDSOE FOR HER OUTSTANDING SERVICE TO THE CITIZENS OF CONOVER AND TO THE CONOVER POLICE DEPARTMENT.

ADOPTED, THIS THE 2ND DAY OF JANUARY, 2024.

Item 7: Consideration of the Rezoning for a 18.62 +/- Acre Tract Located Along Rock Barn Road, Identified as Catawba County PIN 3752-0915-8934 from R-20 (Residential) to B-2 (Highway Business) - (Rezoning Application: R23-10) - Items Continued from the December 4, 2023 Council Meeting)

Item 7A. Reconvene Public Hearing: Consideration of Rezoning for an 18.62 +/- Acre Tract Located Along Rock Barn Road, Identified as Catawba County PIN 3752-0915-8934 from R-20 (Residential) to B-2 (Highway Business) (Rezoning Application: R23-10) - Item Continued from the December 4, 2023 Council Meeting

Planning Director Schlichting stated that the public hearing was continued to tonight's meeting to meet the notice requirements. The public hearing was to consider the rezoning of an

18.62+/- piece of property identified as Catawba County PIN 3752-0915-8934 from Catawba County R-20 (Residential) to Conover B-2 (Highway Business). A property located contingent of this property is within city limits and is currently zoned B-2. Other properties in the area are mostly zoned B-2 with a few properties being zoned B-4. The property has been annexed by the City of Conover and the city is responsible for assigning zoning to the annexed property. On the Land Development Map, the designations are identical to the 2003 map; showing commercial for the front part of the property and industrial for the rear. The request doesn't match this precisely, but in his opinion, the property is less than a quarter mile from the interstate interchange and highway business is the most appropriate zoning for this property.

Upon motion duly made by Council Member Canrobert, seconded by Mayor Pro Tem / Council Member Eckard, it was DECLARED:

That the public hearing for the consideration of the rezoning for an 18.62 +/- acre tract located along Rock Barn Road, identified as Catawba County PIN 3752-0915-8934 from R-20 (Residential) to B-2 (Highway Business) - (Rezoning Application: R23-10) - Item Continued from the December 4, 2023 Council Meeting be - RECONVENED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

Mayor Hayman went over the adopted rules for Conover Council public hearings.

Attorney Matthews stated that Council annexed the property during the December 2023 meeting and now has sixty (60) days to rezone it, otherwise the property will default to the closest zoning to the City that matches what the County has. In this case, residential zoning. The question before Council tonight is whether to rezone it to B-2 (Highway Business). It is not a conditional district rezoning as Council is not looking at a site plan or building location. Council can either approve the rezoning or deny it based on if the zoning is appropriate for this parcel given the Land Development Plan and considering the surrounding parcels. The zoning cannot be considered and approved with conditions.

Carl Roth of 2682 Charleston Court, Claremont asked if there is an associated evaluation of the traffic flow that other types of industrial zoning would ultimately lead to. It is a very constricted two-lane road now.

Jerry Isenhour, 1399 Brandy Wine, Hickory (property owner of proposed area to be rezoned) spoke for the rezoning and gave a brief history of his property and the surrounding properties. When part of this property area was annexed 35 years ago, it was zoned B-2. He is requesting that the remaining part of his property that is contiguous be made consistent and be zoned B-2. He understands the concern about what is happening in the community. While he was growing up, Rock Barn Road was a very quiet road with very little traffic. When Rock

Barn Golf Course was built, there was more traffic, more congestion, more noise, and more trash along the road. That was progress, so his family lived with it and dealt with it. He spoke about those that own the surrounding property and informed Council that they have letters before them to review. At the back of the property is a small stream and trees which create a natural barrier at the back. He attended the zoning meeting in November and no one spoke in opposition to the rezoning. The Planning Director recommended that the property be rezoned to B-2.

Ernest Stryk of 2063 St. John's Church Road NE, Conover stated that he understood that this property was going to be used for a truck stop. There are already large trucks going up and down our road and damaging it. The little bridge has a weight limit, and he knows they are over the weight limit. If this will be another truck stop, what will keep those trucks from coming down the road and making a lot more traffic? Is there anything can be done for that situation?

David Reitzel of 2946 Palmer Drive NE, Conover stated that he studied a lot of DOT traffic counts. Based on his profession, he is for growth but he felt there was not the proper infrastructure for this rezoning request. When traveling east and get off on exit 133, that area is already pretty congested at times. It doesn't provide for proper stacking. A truck is approximately 3.2 cars in stacking and when you try to make that left turn, the infrastructure is not built for the on and off ramps at this time. He spoke about how many cars are traveling in this area based on the 2022 data from the NC Department of Transportation. He didn't feel like, as of today, that area is proper for a B-2 rezoning when you can't have a proper and safe road. All the data is available on the NC DOT website for Council to review.

George Toth of 3899 Deer Run, Conover stated that he supported what David Rightsail stated. From a business perspective, how much traffic are we looking at to make the Sheetz Truck Stop viable? He spoke about the needed infrastructure and how this will affect tax payers. Multiple lanes will need to go in on Rock Barn Road and additional on and off ramps will be needed. The overpass is already congested. The taxpayers will have to pick that up. He also sees environmental issues and noise issues from trucks hitting their jake breaks. They are out in the country for the quiet. He felt that the City did not need an additional Sheetz truck stop as they are already located at exits 126 and 128. That many is not necessary.

Michael Settlemyre of 1455 White Oak Drive, Newton representing his parents on 3417 Alfalfa Street argued that commercial property in an area of primarily rural properties would go against the city's vision to support an exceptional quality of life. Those that have raised concerns last month and tonight are here fighting for their quality of life and it cannot be improved upon with the addition of commercial property. With such a property, regardless of the business, comes issues with lighting, noise, traffic, and air quality. Economic development is important and could best take place in the areas that are already commercialized. We also like to support the local owners at the Shell station as it supports shopping locally and small businesses. A local gas station will take a big hit should a large competitor go in directly across the street. Those that have voiced concerns far outnumber the ones that are at this meeting. He hoped that Council's decision will land with those who Council has been elected to serve.

Cameron Sherrill of 3440 Alfalfa Street NE, Conover stated that if a Sheetz were to come in, it

would cannibalize the other competitors on that road. The city will be left with a Shell station that has environment hazards because of the tanks. It won't be easy to make it something else. It could be argued whether or not it matches surrounding properties. It is already residential and bordered by residential property in the majority. He felt it was the most fitting rezoning.

Maria Ziogas of 3493 Duck Pond Drive NE, Conover agrees with the other opinions that have been stated.

Annie Toth of 3899 Deer Run Drive NE, Conover agrees with all that has been said. Heading North on Rock Barn Road, there is a sign that lists the area as an agricultural destination. What it will do to the surrounding farms? Also, who does this really benefit? This will be detrimental to the area because it is a serious problem with traffic as it is. She didn't think her neighbors were for this. It will cannibalize the current businesses. We like to support the local shops.

Clark Tew, an attorney with Pope McMillan in Statesville representing Lat Purser and Associates (applicants) stated that his client understands the concerns that have been brought forward. They are understandable because of location and the nature of development. Council is well aware that the question tonight was not a question of what specific use is going to be placed on this piece of property. It is a question on if it should be rezoned so one of a variety of uses could be contained in the new zone on this property. It is important to pay attention to the Long Range Plan which states that it should be a business and industrial area. He asked the Council to think about this. By rezoning to business, it is limiting the type of uses for this property in the future. A number of people have expressed appropriate concerns about traffic. At this stage, the question is zoning. At a later stage, when a site plan is proposed, a traffic impact analysis and a study of what could be done may have to be paid for by the person asking to build whatever is going to go on this property in order to alleviate traffic problems. He urged Council to focus on the fact that it is a stone's throw from I-40 and in an area that Council previously said should be zoned Industrial. What is being asked for is business.

Joyce Baldwin of 2831 Player Circle NE, Conover stated that David Rightsail stated what most of the people in the room feel. As residents, will residents have the opportunity to know what Council is going to do?

Attorney Matthews stated that after the public hearing is closed (ended), Council will consider the rezoning tonight. City Manager Hart added that Council will likely make a motion for or against the rezoning tonight and state their reasons.

Joyce Baldwin of 2831 Player Circle NE, Conover asked what industrial zoning is? She also asked why the road infrastructure would not be built before anything else could be built.

Eddie Baldwin of 2099 St Johns Church Road, Conover spoke about the officer that was shot at the Sheetz in Greensboro. Sheetz now knows there is a design and crime problem. If zoned B-2, all the smoke from trucks running all night will come up to their residential properties.

The following items were exhibits submitted to Council prior to the meeting in reference to the proposed rezoning:

RESPONSE TO REZONING ON ROCK BARN ROAD

Date: December 15, 2023

My name is Fred A. Hunsucker, son of Monroe and Lorena Hunsucker that lived at 1508 Rock Barn Road since the fifties until their death in the early 2000. I was fortunate to live on Rock Barn Road for twenty years before I moved from that area to follow up on my business career.

I inherited land at 3579 Rock Barn Road that is adjacent to Jerry Isenhour's land. I have no problem with the addition of the rezoning of this property to add a Sheetz Gas Station. My business has taken me throughout the Northeast, Midwest, Southeast, and Southwest. I was fortunate to stop by the Sheetz Gas Stations frequently. The addition of a Sheetz Station will be an improvement for the neighborhood living in close proximity to Jerry Isenhour's property. All of the stations were kept very clean and very available to customers in that area. This addition would be an asset to Rock Barn Road.

Let's go forward with this addition for a better progress for Rock Barn Road. Once completed, the neighbors will be very happy with the Sheetz Gas Station.

Best regards,

A handwritten signature in cursive script that reads "Fred A. Hunsucker".

Fred A. Hunsucker

December 26, 2023

My name is Jerry Isenhour. I live at 1399 Brandywine, Hickory, N.C.

I own the property on Rock Barn Road in Conover that is being considered for rezoning to business. This property has been in my family for over 100 years. I have been involved with this property for the last 73 years. I grew up on this land for the first 26 years of my life and inherited it from my parents over 20 years ago. I have a strong commitment to this area, and I would not do anything that I felt was detrimental to the area or its residents. I also understand that progress has to take place for Catawba County and the City of Conover to grow. I certainly understand some of the concerns people in this area may have. Rock Barn Road was a very quiet road growing up and then Rock Barn Golf Course was built. It certainly increased traffic significantly by our house. We were not glad to see this development happen, but it was progress and we lived with it and dealt with it. Years later as the golf course grew, they needed additional electrical lines run to that area and the homeowners along Rock Barn Road were asked to sign releases to add larger utility poles across our property. Our lines were above ground but once they reached the golf course the lines were buried. This did not benefit us but again it was progress and we lived with it and dealt with it.

I attended the zoning board meeting in November. Not a single person expressed concern at that meeting and the motion passed unanimously.

At the city council meeting in December there were concerns voiced about having a Sheetz fueling station at the Rock Barn exit. Those who spoke were either from Rock Barn Golf Course or from an area on St. John's Church Road primarily on Alfalfa Street. The main entrance to Rock Barn Golf course is approximately a mile from my property. How far is far enough away? There are also several alternate routes these residents have to exit that area. The residents at Alfalfa Street do not even have direct access to Rock Barn Road. Their exit from that street is St. John's Church Road. There is no outlet other than St. John's Church Road. They also have easy access to highway 16 and then interstate 40. There are only a couple of people whose property adjoins mine at the very back of my property. They are separated from my property by a small branch that is fenced and has trees on both sides of the small stream. An aerial view of the area will show a natural barrier between my property and the others involved on the back of the property. The property owners in front of my property and on both sides have not raised any concerns about rezoning my property and several have written letters encouraging the rezoning. There are also no children living in this area from the I-40 bridge to past the intersection of St. John's Church Road so there should be no issue with school buses picking up or dropping off children. Everyone past St. John's crossroads goes to the Bunker Hill school system. I understand people are reluctant to change, me included, but I often found the things I was concerned about never developed.

I did not actively look to sell my property but when I was approached about the possibility of a commercial development on my property, I felt like it was a good fit that I

felt good about not only for myself but for the community. When it was shared with me that a Sheetz station might be a possible use, I still felt good about this for Conover. It is well known that the Pilot station is not in a good situation. Every Sheetz I have ever been in is very well done. Very clean and well maintained. It is my understanding that if a Sheetz is located here there will be no overnight parking and there will be no showers. It will just be a fueling station. The truckers who will refuel at this site will not be driving by any of the areas the people who spoke in opposition to it live. There is no rationale for driving by Rock Barn Golf course or Alfalfa Street on St. John's Church Road. Realistically they will refuel and get back on Interstate 40. This has the potential of alleviating some of the issues at this intersection. I feel like new commercial development will be a welcome addition to the area and the people with concerns I think will realize what a benefit it is to have this in their area.

Lastly, I believe most of the people who spoke in opposition are not residents or property owners in Conover. Because of the annexation, I am now, and I will have to pay city taxes on this property. While I knew that city taxes were a result of the annexation, I did not expect opposition to the rezoning since the staff supported it, the zoning board supported it, no one spoke against it at the zoning board, and no one contacted me with any concerns or opposition.

Jerry Isenhour



A handwritten signature in blue ink that reads "Jerry Isenhour".

December 15, 2023

To Whom It May Concern:

My name is Mack Hunsucker. I live at 840 Hamilton Street in Newton. I own two homes and a garage on Rock Barn Road in front of the Isenhour property that is being considered for rezoning to business. I also own property to the side of the property. I grew up on Rock Barn Road across from the property being considered and I have also maintained the home and garage to this date. I am at my garage every day.

I have had a direct interest in what happens in this area for over 75 years. I am in favor of rezoning this property to business. I am not opposed at all to a Sheetz being located across from and beside my property. The Pilot station across the interstate poses a number of problems and I think a Sheetz Fueling station would help alleviate the truck traffic around the Pilot Station. Sheetz stations are always well done and well maintained. I also realize that Conover is growing, and progress has to take place. I strongly recommend you approve this.

Mack Hunsucker



Mr. and Mrs. William Clark Whiteside, Jr.
3398 Alfalfa Street
Conover, NC 28613

December 28, 2023

City Council
City of Conover
PO Box 549
Conover, NC 28613

To Whom This May Concern,

We are writing in regards to the proposed rezoning of 18.62 acres along Rock Barn Road NE across from the Wilson Truck from residential to B-2 (Highway Business). For the record, we are against the rezoning. At the Conover City Council Meeting on Monday, December 4th, many residents attended and showed opposition to this proposal because of their concerns of building a Sheetz Truck Stop. Also, others would have been present if proper announcement of the proposal had been made. (We are referring to the sign on the property being knocked over and the incorrect time for the meeting.) Although the City Council claimed the rezoning of the land was only for the opening of new businesses, a Sheetz representative attended to show the proposed plan for a new Sheetz. We are aware that the rezoning is only being considered for the intention of building a disputed truck stop.

The 18.62 acres along Rock Barn Road NE is surrounded by residential properties on all sides. On the access ramp to I-40, some B-2 Highway Business properties exist, but they remain well-separated from the existing residential communities. As a whole, the Sheetz Truck Station would not sit close to the main road, but it would extend deeply into the wooded area of the 18.62 acres. The residential communities of Rock Barn Road, Rock Barn Golf Club, St John's Church Road, Alfalfa Street, and others have existed for many years. A small, cut-off section of residential area would be located between the existing businesses and the new proposed Sheetz. These residents would lose privacy and have to contend with the continuous activity of the truck stop beside them.

Although Sheetz implied some of the land would not be commercialized, the depth of development is critical. Even if Sheetz left a piece of the property's backside undeveloped, the property slopes downhill towards the residential communities. The light pollution, noise of tractor trailers, and smell of diesel exhaust would drastically affect the quality of life for St John's and Alfalfa Street Residents. These neighborhoods are quite communities that enjoy the brightly shining stars at night. The downhill trajectory of the land prevents the ability for residents to plant trees that would grow tall enough to block the light and noise of the much higher elevated truck station.

Development will impact the local wildlife. We frequently see deer, rabbits, turkeys, possums, skunks, and other animals who thrive in the wooded vicinity. Surprisingly, we even had a flock of 22

turkeys last year. With development, these animals will lose their habitats. Unfortunately, we also have a thriving pack of coyotes in the nearby woods that can be heard howling several times a week. Many of the residents are concerned for their children and pets. The coyotes usually stay across the creek line from St Johns and Alfalfa Street, but, with less undeveloped land, they would be pushed closer to our yards where family, children, and pets spend time.

Water pollution is another concern. The back side of the 18.62 acres borders a small creek that flows into a larger one running parallel to Alfalfa Street. This creek already has some trash from somewhere upstream. This creek has several times experienced a massive rise in water level from rain and has expanded out of its bed. More trash will accumulate as it is washed downhill from the Sheetz and into our neighborhoods.

The safety of our families is also a concern with a new large truck stop placed on our side of I-40. By developing the land and destroying the woods, our properties will be visible from Rock Barn Road. Anyone traveling or stopping at the truck stop will realize private communities are nearby. One of our neighbors has children who ride their bicycles down Alfalfa Street several times a week. They would now be visible to visitors at the Sheetz. We know truck stops have a reputation for human and sex trafficking. The Pilot truck stop on Rock Barn Road has had a trafficking incident. This type of activity is not needed in our city. In addition, travelers will want to walk their dogs through the neighborhood and stretch their own legs. It violates our privacy and risks our family's well-being from strangers associated with the truck stop being built so close. Eventually, someone will trespass and break into one of our homes because of the exposure from the Sheetz. The effect will also cause law enforcers to have addition calls which could risk their lives.

Although it was stated Sheetz would not be an overnight truck stop, a trucker wants to stay overnight in an easily accessible, large parking lot where he can get diesel for the truck. Sheetz typically has their own little café inside for eating. As truckers are required by law to drive no more than a specific number of hours per day, they plan to stop at these locations in order to be comfortable and not pull over at a random interstate ramp because their hours have run out.

One of our biggest concerns is the congestion. This area of Rock Barn Road is already congested by tractor trailers that block traffic at the Pilot Truck Stop. It is not unusual to have three tractor trailers backed up as they wait to let their buddies out. Also, the fuel pumps are too close to the road which causes backups when trucks are waiting in line for fuel. Even more importantly, these trucks leave the Pilot from a downhill position. Also, a full loaded truck can barely get enough momentum to pull onto Rock Barn Road. The new Sheetz Truck Station has the same exact land layout! Trucks will have to stop on an incline and cause additional congestion. Even with a proposal to set the pumps farther from the road (which will destroy the woods), traffic buildup will lead to congestion. It is hard to determine when to leave for an appointment when one does not know how much congestion will occur.

Although some believe a second truck stop will decrease congestion, we believe it will be temporary. Once truckers become aware of a double-station exit on I-40, the area will have an influx of tractor trailers. Congestion will be much worse, and the wear on the roads will increase. Nearby roads are not prepared for more heavy tractor trailers. As a result, Rock Barn Road would need many repairs. I know a proposal has been passed to redo the bridge crossing I-40 with two roundabouts (one on each side of I-40). Due to their longer lengths, more congestion will result because the tractor trailers will need to

drive slower and will require more room to maneuver. Deterioration will result from tractor trailers bumping into the curbs and signage.

As previously stated, a new Sheetz Truck Stop causes many concerns for all of us in the neighborhood. Is it a necessary? Our area already has two Sheetz gas stations within a few exits. One is on McDonald Parkway, and the other is on Fairgrove Church Road. If another Sheetz is to be considered should other business areas like the Canova Shopping Center be viewed. A truck stop should be located in an area that is not surrounded by existing and well-established residential neighborhoods.

We believe in this situation that the negative community feedback is greater than the positive one. Many neighbors who attended had only heard about the plan two days before the City Council meeting. Even the Planning Department representative at the City Council Meeting admitted to hearing no positive feedback from residents. Also, he acknowledged a number of people were negative about the Sheetz plans.

When considering rezoning the 18.62 acres, please think of the negative influence this would have on our neighborhoods. We love our area, and hope to continue to call this area home. Please reconsider these plans. Thank you for listening to our concerns.

Sincerely,

Mr. and Mrs. William Clark Whiteside, Jr.

Mr. and Mrs. William Clark Whiteside, Jr.

Zeb Whiteside
2101 St Johns Church Rd
Conover, NC 28613

December 28, 2023

City Council
City of Conover
PO Box 549
Conover, NC 28613

To Whom This May Concern,

I am writing to express my disapproval of the proposed rezoning from residential to B-2 (Highway Business) of the 18.62 acres along Rock Barn Road NE across from the Wilson Truck. At the Conover City Council Meeting on Monday, December 4th, many surrounding residents attended and stated valid concerns as to why this large piece of property should not become Highway Business with the intention of building a Sheetz Truck Station. A key part of city's planning for this area should include the concerns of the community, listed below.

The City Council claimed the rezoning of the land was only for the opening of new businesses, not necessarily a Sheetz Truck Station. We are all aware that the rezoning is only being considered with the intention of installing the disputed truck stop. I implore you to consider the below concerns with the complete picture.

The 18.62 acres along Rock Barn Road NE is surrounded by residential properties on all sides. Located at an access ramp to I-40, there are some B-2 Highway Business properties in the vicinity, but they hug close to I-40 and remain well-separated from the existing residential communities. These residential communities such as Rock Barn Road, Rock Barn Golf Club, St John's Church Road, Alfalfa Street, and others have been in place for many years. As a whole, the Sheetz Truck Station would not sit close to the main road but would extend deeply into the wooded area of the 18.62 acres.

The depth of development is critical. Even if Sheetz left a piece of the property's backside undeveloped, the property slopes downhill towards the residential communities. The light pollution, noise of tractor trailers, and smell of diesel exhaust would drastically affect the quality of life for St John's and Alfalfa Street Residents. These neighborhoods are truly quite communities that can still clearly see the brightly shining stars at night. The downhill trajectory of the land prevents the ability for residents to plant trees that would grow tall enough to block the light and noise of the much higher elevated truck station.

I am also concerned about the impact on the local wildlife. We frequently see deer, rabbits, possums, skunks, and other animals who thrive in the wooded vicinity. We even had a flock of 22 turkeys last year. These animals lose some land, but my greater concern is the safety of local residents as those woods also contain a thriving pack of coyotes that we hear howling several times a week. The coyotes usually

stay across the creek line from St Johns and Alfalfa Street, but with less undeveloped land, they would be pushed closer to our yards where family, children and pets spend time.

The back side of the 18.62 acres also borders a small creek that flows into a larger one running parallel to Alfalfa Street. This creek already sees some trash that filters in from somewhere farther upstream. However, this creek also experiences a massive rise in water level when it rains hard. I have seen that creek come out of its deep bed several times in my life. More trash will accumulate as it is washed downhill from the Sheetz and into our neighborhoods.

Our communities are also concerned about the safety of our families with a large truck stop placed on our side of I-40. The development of the land will open our properties to be visible from Rock Barn Road, allowing anyone traveling or stopping at the truck stop to realize private communities are nearby. One of my neighbors allows her kids to ride bicycles down Alfalfa Street several times a week. They would now be visible to visitors at the Sheetz. We all know the well-deserved reputation that truck stops have for human and sex trafficking. Even the Pilot truck stop on Rock Barn Road has had a trafficking incident which is not the type of activity we need in our city. On top of all that, travelers will want to walk their dogs through the neighborhood and stretch their own legs. It violates our privacy and risks our family's well-being from strangers that would not be there except for the truck stop being built. I don't think I am overexaggerating that it is not IF but WHEN someone trespasses and breaks into one of our neighborhoods because the Sheetz exposed us.

It was mentioned at the City Council Meeting on December 4th that the Sheetz would not be an overnight truck stop, but, once again, please consider the facts. A trucker wants to stay overnight in an easily accessible, large parking lot where he can get diesel for the truck. Sheetz typically has their own little café inside for eating. As truckers are required by law to drive no more than a specific number of hours per day, they plan to stop at these locations in order to be comfortable and not pull over at a random interstate ramp because their hours have run out.

My next major area of concern is simply that the location does not seem reasonable. Besides the neighborhood concerns, this area of Rock Barn Road is already a congested mess. Tractor trailers are blocking traffic at the Pilot Truck Stop so that their buddies can get out. On top of that, the fuel pumps are too close to the road, so waiting trucks must sit on Rock Barn Road. Even more importantly, these trucks leave the Pilot from a downhill position. When they have a full load, they can barely get enough momentum to get back on Rock Barn Road. I have had to slam on my brakes many times because a trucker decided to take a risk and pull out despite no momentum. The 18.62 acres being turned into a Sheetz Truck Station has the same exact land layout! Trucks will need to stop on an incline, and then try to move uphill to get back on the road. I would also insert here that it was proposed for the pumps to be farther from the road (as in the back of the property) to prevent traffic buildup. This will further open the Rock Barn, St Johns, and Alfalfa Street Communities to the concerns mentioned above.

Further, the addition of a second truck station will not alleviate the problems of the Pilot layout. It may help temporarily, but as more truckers become aware of a double-station exit on I-40, the area will see a much greater influx of tractor trailers. Congestion will be much worse, and the nearby roads are not prepared for more heavy tractor trailers. Rock Barn Road would need some serious work. I know a proposal has been passed to redo the bridge crossing I-40 with two roundabouts (one on each side of I-40). This adds to the congestion as tractor trailers will need to drive slowly around these because of their length. They will also likely bump into the curbs and signage, causing quicker deterioration.

In addition, tractor trailers coming southbound on Highway 16 already utilize St. John's Church Road as a cut-through to the Pilot Truck Station. A second truck stop further encourages this maneuver on a narrower, residential-like road, and our small bridge on St Johns is already having potholes filled on a yearly basis. I doubt the weight limit of that bridge is meant to handle a loaded tractor trailer. Further, one trucker trying to turn southbound from Highway 16 to St Johns completely fills the turn lane and blocks traffic on Highway 16. Everything becomes a domino effect, and once again, our neighborhoods are suffering from the extra congestion.

In summary, there are many concerns that my local neighbors and I share about the Sheetz Truck Station. It may make sense for a company to open on that property, but it shouldn't be a large facility that attracts a lot of unknown people to the community. It should be a smaller facility that respects the privacy of our existing neighborhoods.

A Sheetz Truck Stop deters fellow Catawba county residents north of I-40 from wanting to visit Conover as Highway 16 has a lot of traffic and feeds into a busy intersection at Walmart and Tri-City. Rock Barn Road is the best alternative to reach Conover, and I believe a second truck station will make it worse than traveling Highway 16. Rock Barn Golf Club Residents will feel cut off, and their own privacy will be affected with the Sheetz so close to both of their entrances.

Our community already has two Sheetz gas stations within a few exits (one in Hickory and one on Fairgrove Church Road). A truck stop should be located in an area that is not surrounded by existing and well-established residential neighborhoods. A location like I-40's exit 130 at the Canova Shopping Center would be ideal; an area that is already developed for business and has many open properties while still helping to reduce the congestion at the Pilot because of proximity.

Please take into account the negative community feedback versus the positive. The December 4th City Council Meeting was filled with negative feedback- and no positive. The people who came to the meeting were people who showed up because they had only heard about the plan two days before the City Council meeting. Even the Planning Department representative at the City Council Meeting admitted to hearing no positive feedback from residents, but he did know of a number of people who were negative about the Sheetz plans. I am also aware of several residents who do not plan on writing to you because they expect your mind to already be decided.

I implore you to not only reflect on all aspects of rezoning these 18.62 acres on Rock Barn Road, but to also deeply consider how a Sheetz Truck Station would lower our quality of life through light pollution, noise, lessened privacy, and further congestion.

Thank you for listening to my concerns.

Sincerely,



Zeb Whiteside
Lifelong St John's/Alfalfa St/Rock Barn Resident
2101 St. Johns Church Road
Conover, NC 28613

Stephanie Watson

From: donotreply@form.govoffice.com
Sent: Tuesday, January 2, 2024 11:08 AM
To: Stephanie Watson
Subject: [EXTERNAL] Citizen Feedback (form) has been filled out on your site.

CAUTION: This email originated from outside of the organization. DO NOT open attachments or click links from unknown senders or unexpected emails. Proceed with caution.

Your Site has received new information through a form.

Form: Citizen Feedback

Site URL: www.conovernnc.gov

Subject: Rezoning

Type your question, comment or suggestion: A developer has made the request for rezoning from residential to commercial 18+ acres on Rock Barn Rd near I-40, with the intention of having an oil company (Sheetz or similar) build a fuel plaza. Obviously, this is a horrific idea: the traffic congestion would be intolerable; likewise the noise and pollution emanating from so many parked trucks throughout the day and night. I urge the council to deny this request. It is incumbent upon all council members to represent the best interest of Conover residents. Residents will remember your votes come election time. Again, this rezoning request is horrific and must not be approved.

Name: Sharon and Michael Smith

Reply Email Address: [REDACTED] Property Address (if needed): 3630 Links Drive. Conover 28613 Phone # (if needed): [REDACTED]

Do Not Click Reply - This e-mail has been generated from a super form.

Upon motion duly made by Council Member Canrobert, seconded by Council Member Green, it was DECLARED:

That Public Hearing: Consideration of Rezoning for an 18.62 +/- Acre Tract Located Along Rock Barn Road, Identified as Catawba County PIN 3752-0915-8934 from R-20 (Residential) to B-2 be - CLOSED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

Planning Director Schlichting stated that industrial is typically going to be manufacturing and distribution. Commercial is going to be any sort of retail. There is some overlap between the two. The segment of Rock Barn between I-40 and Thornburg Drive is in the current MPO Plan that is slated for improvement. The bridge going over I-40 on Rock Barn Road has been designed but has been pushed back to be completed by 2030.

Mr. Schlichting briefly discussed some of the various uses for the B-2 district. This included multi-family development as part of a conditional district by right depending by how many units. It allows a mobile home park with conditional zoning. It allows almost all of our office uses which includes childcare center, churches, hospital, etc. In commercial, it allows auto sales, auto repair, breweries, conference centers, retail services, hotels, outdoor sales, restaurants, etc. It also allows distribution. Anything allowed by right that doesn't come up to the conditions will just be review by staff. This is a DOT road and they would take the plans from the developer and decide what type of plans would be needed accordingly.

There was some discussion about the potential number of houses that could be placed on that property if zoned differently.

Mayor Hayman reminded Council that they have to assign zoning to it. They need to decide if B-2 is appropriate for that property.

Item 7B. Ordinance 36-23: Zoning Ordinance Amendment (Rezoning R23-10)
Item Continued from the December 4, 2023 Council Meeting

Erik Schlichting, Planning Director presented Ordinance 36-23: Zoning Ordinance Amendment.

Upon motion duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Powell, it was DECLARED:

That Ordinance 36-23: Zoning Ordinance Amendment be - ADOPTED and I move to approve zoning request R23-10 for the property, an unaddressed property on Rock Barn Rd (Catawba County PIN 375209158934), shown on map Exhibit A from R-20 (Catawba County Residential) to B-2 (Highway Business) finding that it is reasonable and in the public interest because: 1) The proposed commercial zone is compatible with the LDP map showing this area as commercial along Rock Barn Rd, and 2) The proposed Highway Business zoning is highly appropriate given its proximity to the Interstate-40/Rock Barn Rd interchange.

The Planning Director is directed to update the Official Zoning Map and Future Land Use Map

to reflect this change.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Ordinance 36-23: Zoning Ordinance Amendment contained in the exhibit file called 2024 Ordinances.)

CITY OF CONOVER

ORDINANCE 36-23

ZONING ORDINANCE AMENDMENT

WHEREAS, John Isenhour submitted rezoning request R23-10 to the City of Conover on September 19th, 2023 to rezone an unaddressed piece of property along Rock Barn Rd (Catawba County PIN 375209158934); and

WHEREAS, a public hearing of the question of said rezoning was held by the Conover City Council, after due notice and advertisement thereof, at the regular meeting of December 4th, 2023 and continued to the regular meeting of January 2, 2024; and

WHEREAS, the City has agreed to annex this property following a public hearing regarding the owner's petition for voluntary annexation, and the City is obliged to rezone the property; and

WHEREAS, the request is to rezone the parcel currently zoned R-20 (Catawba County - Residential) to B-2 (Highway Commercial).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conover, North Carolina, as follows:

Section 1. The following described area ***is*** hereby rezoned to City of Conover B-2 (Highway Commercial) classification by the City of Conover:

Commencing at NCGS Monument "St John" having NCGS Coordinates of N: 728,247.63, E: 1,351,057.70, thence from said monument N 00°25'38" E - 3,642.40' to NCGS Monument "Rock Barn" having NCGS Coordinates of N: 724,605.69, E: 1,351,030.54, thence from said monument N 40°25'02" E-980.77' to and existing 1" Bent Pipe, said Pipe being the southwestern property corner of Jerry Wayne Isenhour (2002E/716), said pipe also being a common corner of Hunsucker Farms LLC (2793/333), said pipe also being the point of beginning, from said point of beginning and following a common line with Hunsucker Farms

LLC N 27°07'37" W -1,058.45' to a set #4 rebar, thence continuing with Hunsucker Farms LLC N 27°07'37" W - 30.00' to a point in the centerline of a creek, said point in the creek also being a common corner of Alisa P. Whiteside Revocable Trust (3544/1824), thence with a common line of Alisa P. Whiteside Revocable Trust and following the centerline of the creek, N 65°55'17"E - 25.09' to a point, N 66°29'33" E - 40.57' to a point, thence N 44°32'59" E - 32.66' to a point, thence bearing N 82°17'11" E - 11.01' to a point, thence N 25°28'42" E - 23.66' to a point, thence bearing N 69°48'37" E - 24.94' to a point, thence S 66°33'18"E - 26.03' to a point, thence N 52°02'05" E - 45.22' to a point, thence N 33°59'51" W -34.15' to a point, thence N 32°20'42" E -12.97' to a point, thence S 76°29'57" E - 26.40' to a point, thence N 61°50'43" E - 39.90' to a point, thence N 66°46'15" E - 43.11' to a point, thence

N 49°21'50" E - 75.72' to a point, thence N 59°50'15" E - 74.17' to a point, said point being near a common corner of Dwight J. Gryder (1985/341), thence with the common line of Gryder and continuing to follow the centerline of the creek N 79°26'-32" E -44.27' to a point, thence N 52°28'58" E - 74.25' to a point, thence N 76°03'52" E - 88.10' to a point, thence N 66°13'25" E - 53.27' to a point, thence

N 75°21'43" E -31.79' to a point, thence N 80°54'57" E - 22.12' to a point, thence N 48°59'29" E -16.63' to a point, said point being a common corner with Fred Allen Hunsucker Revocable Life Insurance Trust (3197/969) thence leaving the centerline of the creek and following a common line of Hunsucker Revocable Trust S 17°25'40" E - 28.4' to an existing #4 rebar, thence continuing with Hunsucker Revocable Trust S 17°25'40" E - 371.04' to an existing #4 rebar, said rebar being a common corner with William Mackie Hunsucker (2940/1666), thence with the common line of Hunsucker S 17°11'23" E - 408.90' to an existing #6 rebar, thence continuing with Hunsucker S 36°00'37" E - 379.68' to an existing #6 rebar, said rebar being located on the western margin of a 60' public right of way of Rock Barn Road, thence continuing within the right of way S 36°00'37" E - 30.32' to a point in the centerline of Rock Barn Road, thence with the centerline of Rock Barn Road S 43°59'23" W - 155.00', thence leaving the centerline of Rock Barn Road N 40°18'00" W - 30.15' to a set#4 rebar, said rebar being located on the Western Margin on the 60' right of way of Rock Barn Road, said rebar also being a common corner of Jerry Wayne Isenhour (2002E/716), thence with a common line of Isenhour the following six calls,

N 40°18'00" W - 5.09' to an existing $\frac{1}{2}$ " bent pipe, thence N 40°11'00" W - 118.07' to a set#4 rebar, thence S 49°29'34" W - 100.09' to an existing $\frac{1}{2}$ " pipe, thence S 66°35'30" W - 49.86' to an existing $\frac{3}{4}$ " bent pipe, thence N 89°03'00" W - 90.10' to an existing #6 bent rebar, thence S 58°53'56" W - 309.99' to the point of beginning, containing 18.615 AC±

Section 2. That the City Planner is hereby directed to make the change on the Official Zoning Map of the City of Conover to show the rezoning thereon as herein provided for and make the same change to the Land Development Plan's Conceptual Development Plan Map.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Consistency Statement.

The City Council finds the map amendment is not entirely consistent with the Conceptual Land Development Plan Map, but does find it compatible with the Land Development Plan as follows:

- 1. The proposed commercial zone is compatible with the LDP map showing this area as commercial along Rock Barn Rd.*
- 2. The proposed Highway Business zoning is highly appropriate given its proximity to the Interstate-40/Rock Barn Rd interchange.*

Section 5. *That this ordinance shall be effective from its passage.*

Adopted this 2nd day of January, 2024.

Item 8: Consideration of Development Agreement between the City of Conover and Microsoft Corporation

Item 8A. Public Hearing: To Receive Public Comments on the Proposed Development Agreement between the City of Conover and Microsoft

Planning Director Schlichting stated that the conditional zoning district for the Microsoft development was approved in October of 2022. One of the conditions associated with that was the adoption of a development agreement which is a framework that lays out the responsibility of the developer for public improvements and for what public improvements will be built. It gives the city a framework for asking for a bond, if necessary, to make sure those improvements are completed. The development agreement lays out a list of improvements and also sets forth a fifteen (15) year vested rights for this project.

Cindy Reid with the Irvin Law Group stated that Microsoft has already started getting bids in to move water lines.

Mayor Hayman opened the public hearing.

Janice Sigman Lail of 4080 Herman Sipe Road was present to represent her mother, Janie Eckard Sipe Sigmon. The properties above Lee Bower Road has no road ways. There is no way that police or fire departments can get to the property. Pony Drive Road could be a fix to this issue.

Upon motion duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Fulbright, it was DECLARED:

That the public hearing to receive public comments for the consideration of the Development Agreement between the City of Conover and Microsoft Corporation be -
CLOSED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

Item 8B. Ordinance 01-24: An Ordinance to Adopt the Development Agreement by and Between the City of Conover and Microsoft Corporation - (Project "Agate") on NC 16 Hwy N.

Planning Director Schlichting and presented Ordinance 01-24: An Ordinance to Adopt the Development Agreement by and Between the City of Conover and Microsoft Corporation - (Project "Agate") on NC 16 Hwy N.

Upon motion duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Members Powell and Canrobert, it was DECLARED:

That Ordinance 01-24: An Ordinance to Adopt the Development Agreement by and Between the City of Conover and Microsoft Corporation - (Project "Agate") on NC 16 Hwy N be - ADOPTED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Ordinance 01-24: An Ordinance to Adopt the Development Agreement by and Between the City of Conover and Microsoft Corporation - (Project "Agate") on NC 16 Hwy N contained in the exhibit file called 2024 Ordinances.)

**CITY OF CONOVER
ORDINANCE 01-24**

**AN ORDINANCE TO ADOPT THE DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF CONOVER AND MICROSOFT CORPORATION**

WHEREAS, N.C.G.S. §160D-1001 through §160D-1012 (the "Act"), authorizes municipalities to enter into development agreements with developers under the terms and conditions stated in the statutes; and

WHEREAS, the City of Conover ("City") and Microsoft Corporation ("Developer") have negotiated an agreement in accord with and under the authority of the cited statutes; and

WHEREAS, a public hearing was held on January 2, 2024 as set forth in N.C.G.S. § 160D-1003 providing public review of the Development Agreement, as defined below; and

WHEREAS, the City finds that the Development Agreement is consistent with the Act, the City's adopted policy guidance, and the Current Regulations, as defined in the Development Agreement, and is reasonable and in the public interest for the reasons set forth in the Development Agreement:

NOW, THEREFORE, BE IT ORDAINED, by the City Council that:

1. Pursuant to the authority granted to the City by Article 10 of Chapter 160D of the North Carolina General Statutes, the City hereby adopts the Development Agreement by and among the City and the Developer, attached hereto (the "Development Agreement"), and authorizes the Manager to execute the Development Agreement.
2. This ordinance is effective upon adoption.

Adopted this the 2nd day of January, 2024.

Item 9: Resolution 04-24: Personnel Policy Amendment

City Manager Hart presented Resolution 04-24: Personnel Policy Amendment. Attorney Matthews stated that more revisions will be brought before Council at a later date.

Upon motion duly made by Council Member Canrobert, seconded by Council Members Green and Council Member Powell, it was DECLARED:

That Resolution 04-24: Personnel Policy Amendment be - ADOPTED.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None
ABSTAIN:	None

(Resolution 04-24: Personnel Policy Amendment contained in the exhibit file called 2024 Resolutions.)

***CITY OF CONOVER
RESOLUTION 04-24***

***A RESOLUTION AMENDING THE CITY OF CONOVER
PERSONNEL POLICY ADOPTED JANUARY 5, 1998***

WHEREAS, the City of Conover periodically updates this Personnel Policy by Resolution; and

WHEREAS, the Personnel Policy was updated on the 4th day of September, 2007, the 2nd of February, 2009, the 9th of January, 2012, the 2nd of December, 2013, the 1st of July, 2015, the 2nd of January 2018, the 1st of April 2019, the 6th of January, 2020, September 13, 2021, October 4, 2021, and December 4, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Conover City Council that the City of Conover Personnel Policy is hereby amended as follows:

In the following Sections, all items with a strikethrough and shown in RED (~~strikethrough~~) are to be removed and all items underlined and shown in RED (RED) are to be added:

CITY OF CONOVER PERSONNEL POLICY

ARTICLE VII. CONDITIONS OF EMPLOYMENT

SECTION 4. LIMITATIONS ON EMPLOYMENT OF RELATIVES

~~Except as set forth below, t~~Two (2) members of the same immediate family shall not be employed in the same ~~operating~~ City department at the same time. No member of the immediate family of a City elected official shall be employed as a City of Conover ~~regular-employee employee. This policy applies to promotions, demotions, transfers, reinstatements, and new appointments.~~ "Immediate family" is defined as spouse, parents, children, sister, brother, grandparents, grandchildren, aunts, uncles, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named, or anyone living as a part of the same household of the employee.

Violation of this section shall result in immediate disciplinary action as outlined in Article VI. Section 5 including possible dismissal of the hiring supervisor.

~~Notwithstanding the above, d~~Due to the tradition of the fire service generating firefighters within families and to establish adequate staffing and service levels, the limitations on the employment of immediate family members established in this Section will not apply to (i) conflicting immediate family relationships among two (2) fire department personnel, both employed in any role in the City's fire department on or before January 15, 2024, or (ii) the employment of a part-time firefighter if the City Manager, in his or her sole discretion, exempts said part-time firefighter from the provisions of this Section. In an effort to mitigate conflicts arising from an immediate family relationship exempted by this Section, direct supervisory relationships will be avoided when possible and all personnel actions involving both members of the immediate family (disciplinary, promotions, demotions, transfers, reinstatements, and new hires) will be subject to the City Manager's written approval. Exemption may be granted by the City Manager to part time firefighters in order to establish adequate staffing and service levels.

Adopted this the 2nd day of January, 2024.

Item 10: Oath of Office: Mark Stafford

Deputy Clerk Epley administered the Oath of Office to Mark Stafford for the position of Fire Chief.

OATH OF OFFICE OF THE CITY OF CONOVER, N.C.

I, Mark Richard Stafford, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully execute the duties of my office as Fire Chief for the City of Conover, North Carolina, according to the best of my ability: So Help Me God.

Mark Richard Stafford, Fire Chief

Subscribed and sworn to before me this 2nd day of January 2024.

Item 11: Committee Reports

There were no committee reports.

Item 12: City Manager's Report

BUILDING PERMITS - The City issued sixteen (16) building permits during the month of December 2023, totaling \$594,772.00. Included were seven (7) residential, six (6) commercial, and three (3) industrial permits.

2024-2025 BUDGET CALENDAR MEETING DATES - Included are the proposed meeting dates for the 2024-2025 Budget for Council review.

HOLIDAY CLOSINGS - January 15th (Martin Luther King Jr. Day): Garbage – for 01/15/2024 collected Tuesday 01/16/2024

UPCOMING EVENTS:

2024 CityVision - 2024 CityVision will be held from April 23-25, 2024 in Winston-Salem. Registration Opens in January 2024.

VII. CONTINUE MEETING

Continue the Tuesday, January 2, 2024 Council Meeting until Wednesday, January 24, 2024 at 12:00 Noon to take place at 350 5th Ave SE, Conover, NC 28613.

Upon motion duly made by Council Member Fulbright, seconded by Council Member Green, it was DECLARED:

That the meeting be - CONTINUED to January 24, 2024 at 12:00 Noon to take place at 350 5th Ave SE, Conover, NC 28613.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
NOES:	None

Kyle J. Hayman, Mayor

Stephanie C. Watson, City Clerk