



CONOVER

North Carolina

Conover City Council

Regular Meeting Minutes

Monday, October 7, 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 Monday, October 7, 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, Fire Chief Mark Stafford, Police Chief Robert Houston, Information Technology Director Chris Niver, and Police Major Jeff Barkley

II. INVOCATION

Rev. Don W. Bledsoe

III. PLEDGE OF ALLEGIANCE

Kyle J. Hayman, Mayor

IV. APPROVAL OF AGENDA

Motion was duly made by Council Member Fulbright, seconded by Council Member Green, to adopt the Monday, October 7, 2024 Agenda.

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

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

ABSTAIN:	None
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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

a. September 3, 2024 Regular Meeting Minutes

Mayor Kyle J. Hayman presented the September 3, 2024 Regular Meeting Minutes.

(September 3, 2024 Regular Meeting Minutes contained in Minute Book 20.)

Item 2: Ordinance 33-24: An Ordinance Amending the 2024-2025 Budget Ordinance

Mayor Kyle J. Hayman presented Ordinance 33-24: An Ordinance Amending the 2024-2025 Budget Ordinance.

(Ordinance 33-24: An Ordinance Amending the 2024-2025 Budget Ordinance contained in the exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 33-24

AN ORDINANCE AMENDING THE 2024-2025 BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Conover, North Carolina, that the 2024-2025 Budget Ordinance of the City of Conover, adopted pursuant to the provisions of Chapter 159 of the General Statutes of North Carolina, the Local Government Budget and Fiscal Control Act, be amended as noted herein.

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

Account		Description	Increase/ Debit	Decrease/ Credit
100-5300-3300		Departmental Supplies - Fire	8,800	
Total			\$8,800	

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

This will result in a net increase of \$0 in the expenditures of the General Fund. To provide funding for the above, the following revenue budgets will be increased as follows:

Account		Description	Decrease/ Debit	Increase/ Credit
100-3490-5300		Grants & Contributions to Fire		8,800
Total				\$8,800

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, to the Budget Officer and the Finance Officer for their direction.

Adopted this the 7th day of October, 2024.

Item 3: Ordinance 34-24: An Ordinance Declaring Speed Limits on a State-Maintained Road

Mayor Kyle J. Hayman presented Ordinance 34-24: An Ordinance Declaring Speed Limits on a State-Maintained Road.

(Ordinance 34-24: An Ordinance Declaring Speed Limits on a State-Maintained Road contained in the exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE NO. 34-24

AN ORDINANCE DECLARING SPEED LIMITS ON A STATE-MAINTAINED ROAD

WHEREAS, in accordance with the provisions of North Carolina General Statute § 20- 141(f), the City Council of the City of Conover, shall determine and declare safe and reasonable speed limits for roads that are located within the City limits and are part of the state highway system; and

WHEREAS, upon the basis of engineering and traffic investigations conducted by the North Carolina Department of Transportation, and reviewed and approved by City staff, it is hereby determined that speed limits for various state-maintained roads as stated herein are reasonable and safe; and

WHEREAS, the North Carolina Department of Transportation will provide concurrence of the repealing and declaration of speed limits on the various state-maintained roads as stated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conover, North Carolina that it does hereby approve the following:

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Section 1: *That the State speed limit of 45 miles per hour on the following is hereby repealed:*

<u>Route</u>	<u>Description</u>
SR 1007	From the western corporate limit, approximately 0.10 mile east of SR 1476 to a point 0.24 mile east of I-40

Section 2: *The State speed limit of 45 miles per hour on the following is hereby enacted:*

<u>Route</u>	<u>Description</u>
SR 1007	(Highland Avenue) Between a point of 0.256 mile north-west of SR 1479 and a point 0.246 south-east of SR 1485

Section 3: *All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.*

Section 4: *This ordinance shall become effective when the North Carolina Department of Transportation has passed a concurring ordinance, and signs are erected giving notice of the authorized speed limit.*

Section 5: *Copies of this ordinance shall be furnished to the North Carolina Department of Transportation along with the Certification of Municipal Declaration to Repeal Speed Limits and the Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence.*

This the 7th day of October, 2024.

Item 4: Proclamation: Fire Prevention Week - October 6-12, 2024

Mayor Kyle J. Hayman presented Proclamation: Fire Prevention Week - October 6-12, 2024.

(Proclamation: Fire Prevention Week - October 6-12, 2024 contained in the exhibit file called 2024 Proclamations.)

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Powell, to adopt the Consent Agenda.

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

VI. BUSINESS AGENDA

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Item 5: Comments from Visitors and Guests

Mayor Hayman opened the public comment period.

Bradley Seese of 306 Mooreland Drive NE, Conover spoke briefly about a recent event (Boo-tiful Downtown Bash) and then spoke about an upcoming event (Christmas Comes to Conover on November 23rd) that the Conover Community Partners promoted.

Motion was duly made by Mayor Hayman, seconded by Mayor Pro Tem / Council Member Eckard and Council Member Canrobert, to adjourn the public comment period.

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 6: Proclamation: Honoring and Celebrating the 100th Birthday of Thelma Mae Powell

Kyle J. Hayman, Mayor presented a Proclamation Honoring and Celebrating the 100th Birthday of Thelma Mae Powell.

Motion was duly made by Mayor Hayman, seconded by Mayor Pro Tem / Council Member Eckard, and Council Members Canrobert, Fulbright, Green, and Powell to adopt the Proclamation Honoring and Celebrating the 100th Birthday of Thelma Mae Powell.

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

(Proclamation Honoring and Celebrating the 100th Birthday of Thelma Mae Powell contained in the exhibit file called 2024 Proclamations.)

Item 7: Public Hearing: First Public Hearing to Receive Public Comments With Regard to the Community Development Block Grant

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Ben Willis, Community and Economic Development Director of the Western Piedmont Council of Governments stated that the following public hearing would be the first of two public hearings required for the Community Development Block Grants (CDBG). The state of North Carolina receives approximately \$48 million in Community Development Block Grant (CDBG) funding annually from the Department of Housing and Urban Development. The North Carolina Department of Commerce Rural Economic Development Division and the North Carolina Department of Environmental Quality (DEQ) administer these CDBG funds.

There are numerous activities that can be done with CDBG funding including: Neighborhood Revitalization (NR), Economic Development (ED), Infrastructure, Disaster Recovery (DR) including support to help communities deal with the COVID-19 coronavirus, Community Housing, and Demolition of publically owned dilapidated buildings in order to create re-usable industrial sites. All projects must predominately benefit low and moderate income persons or prevent or eliminate slum or blighted conditions.

All projects must propose activities that benefit low-to-moderate income persons. Public hearings are required to receive public comment before the City can submit a CDBG application. This first public hearing is to assist the City in the development of CDBG projects for the coming year. A second public hearing would take place at a later date. Since Catawba County was declared a federal disaster area due to Hurricane Helene, it opens up the city to receive additional funding through CDBG.

Mayor Hayman opened the public hearing to receive public comments with regard to the Community Development Block Grant.

There were no comments from the public.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Powell, to close the public hearing.

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 8: Consideration of the Canova Crossing Development Agreement

a. Public Hearing: To Receive Public Comments about the Canova Crossing Development Agreement

b. Ordinance 35-24: An Ordinance to Adopt the Development Agreement By and Among Canova Crossing Partners, LLC and the City of Conover, NC

Erik Schlichting, Planning Director presented the Development Agreement By and Among Canova Crossing Partners, LLC and the City of Conover, NC. The Canova Crossing Development was approved by City Council as a preliminary conditional district in July of 2023. The developer has completed 100% of their design plans, is ready to have a reconstruction meeting with the city, and would like to proceed with the construction process.

The development agreement confirms the Developer's original phasing plan and establishes a project timeline of five years from the date of this agreement. This establishes the Developer's vested rights for completion of the plan, although they may ask Council for an extension prior to the expiration of the agreement.

The Agreement establishes certain rights and responsibilities for both the Developer and the City to ensure that the public infrastructure being installed meets the City's standards. The Agreement also provides a method for the Developer to provide a letter of credit to the City for any unfinished work if and when they wish to begin to sell individual units prior to plan completion.

Staff recommends that the agreement be approved.

Nick Martin 4047 Whipple Place, Charlotte, NC was present to represent Montrose Development. He stated that the developer planned to start immediately pending the Council's approval of the development agreement. Typically, there is a two year time frame for total site construction. They projected to have the site developer portion completed by October of 2025. There was some discussion about how traffic construction would be handled.

Item 8(a): Public Hearing: To Receive Public Comments about the Canova Crossing Development Agreement

Mayor Hayman opened the public hearing to receive public comments about the Canova Crossing Development Agreement.

There were no comments from the public.

Motion was duly made by Council Member Canrobert, seconded by Council Member Green, to close the public hearing.

AYES:	Mayor Hayman, Mayor Pro Tem / Council Member Eckard, Council Member Canrobert, Council Member Fulbright, Council Member Green, Council Member Powell
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MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

NOES:	None
ABSTAIN:	None

Item 8(b): Ordinance 35-24: An Ordinance to Adopt the Development Agreement By and Among Canova Crossing Partners, LLC and the City of Conover, NC

Erik Schlichting, Planning Director presented Ordinance 35-24: An Ordinance to Adopt the Development Agreement By and Among Canova Crossing Partners, LLC and the City of Conover, NC.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Fulbright, to adopt Ordinance 35-24: An Ordinance to Adopt the Development Agreement By and Among Canova Crossing Partners, LLC and the City of Conover, NC.

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 35-24: An Ordinance to Adopt the Development Agreement By and Among Canova Crossing Partners, LLC and the City of Conover, NC. contained in exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 35-24

AN ORDINANCE TO ADOPT THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF CONOVER AND CANOVA CROSSING PARTNERS, LLC

WHEREAS, N.C.G.S. §160D-1001 through §160D-012 (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 CANOVA CROSSING PARTNERS, LLC (“Developer”) have negotiated an agreement in accord with and under the authority of the cited statutes, and

WHEREAS, a public hearing was held on October 7, 2024 as set forth in N.C.G.S. §160D-003 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'

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

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.*

This ordinance is effective upon adoption.

Adopted this 7th day of October, 2024.

Item 9: Consideration of the Rezoning for a .88 +/- Acre Tract Located at 1507 Emmanuel Church Rd, Identified as Catawba County PIN 374112866957 from B-1 (Neighborhood Business) to M-1 (General Manufacturing)

Rezoning 1507 Emmanuel Church Road (Rezoning 24-07)

- a. Public Hearing: To Recieve Public Comment for the Rezoning for a .88 +/- Acre Tract Located at 1507 Emmanuel Church Rd, Identified as Catawba County PIN 374112866957 from B-1 (Neighborhood Business) to M-1 (General Manufacturing)**
- b. Ordinance 36-24: Zoning Ordinance Amendment**

Erik Schlichting, Planning Director presented the proposed request to rezone a 0.88 +/- acre tract located at 1507 Emmanuel Church Rd, identified as Catawba County PIN 374112866957 from B-1 (Neighborhood Business) to M-1 (General Manufacturing) - (Rezoning 24-07). The petitioner proposes to establish a meadery and tasting room/retail space which is allowed in the M-1(General Manufacturing) zoning district. This property is immediately adjacent to an M-1 zoned property. The Land Development Plan (LDP) shows future land use for this property as industrial. Staff recommended the approval of this rezoning. The Planning Board reviewed this item during their September 10, 2024 regular meeting and voted five (5) to two (2) to recommend approval to the City Council.

Mr. Schlichting reminded Council that they were not voting on allowing a meadery on this property. If they vote to change the zoning to M-1, the property could be used for anything that is allowed under the M-1 zoning.

Mr. Sean Manose of 9005 Shenington Place, Charlotte, NC spoke about his intention to have a meadery at this location. Mead will be produced on site, there will be mead tastings for a fee, and bottles of his product would be sold. No food will be served. There may be an occasional

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

food truck on site. The business will be closed by 9 o'clock at the latest. This will be his first meadery.

There was some discussion about the allowances under the current zoning of B-1 for this property. Under a B-1, a restaurant could apply for an ABC permit and have alcoholic beverages on site to sell along with their food items. A bar would not be allowed.

Under M-1, the petitioner could manufacture his product onsite and could only sell his product. A tasting room would be an ancillary use for the business. He would still need an ABC permit from the state.

Item 9(a): Public Hearing: To Receive Public Comment for the Rezoning for a .88 +/- Acre Tract Located at 1507 Emmanuel Church Rd, Identified as Catawba County PIN 374112866957 from B-1 (Neighborhood Business) to M-1 (General Manufacturing)

Mayor Hayman opened the public hearing at 6:30 p.m.

Jeremy McLean of 314 S. Cline Ave, Conover spoke against the rezoning of R24-07. He stated that even if it is rezoned, it should not be allowed as it is essentially a bar which is not allowed under Chapter 18-2 in the Conover Code of Ordinances. A meadery would be this business's primary use. It is not listed within the City's land use table in the City's code but beer and wine are. Mead is classified as wine in the state of North Carolina per General Statute Chapter 18(b). A tasting room should be considered a bar because NC House Bill 1500 allows up to 6 ounces tasted at any one tasting area. Six ounces of wine is considered a glass and can intoxicate a person. Mead's alcohol level can vary between 6% and 20%. He further opposed this proposal as Emmanuel Baptist Church is an Alcoholics Anonymous meeting location and a place of worship. It doesn't take much to fall off the wagon. Why do anything to counteract a system that is in place?

Pastor Brian Correll of Emmanuel Baptist Church and of 1606 Victorian Hills Cir, Conover, NC stated that during the Planning Board meeting, the gentleman stated that he planned to set up tables to allow for people to mingle and drink. He spoke briefly about the history of Emmanuel Church Road. Opening a restaurant in that area is never a good idea as they never make it. A church is across the street and the church plans to build a family life center. If that location was a good site for a restaurant, it would have already been done. It just doesn't make sense. The land may meet all the requirements to be rezoned, but Section 18-2 of the city's code limits being close to a church or school. Why is there not a carve out for manufacturing?

Chris Mise of 2680 Deer Sand Circle, Vale, NC stated that those in a government post have an obligation to all stakeholders that their decisions affect. As government officials, Council has the authority of the people that live, work, play, and worship here. Council has the authority to protect the population. Whatever choice the Council makes, they are accountable for the outcome. He spoke of his concern about patrons being able to purchase and drink alcohol across from a location where AA meetings are held, where children come to play, and where people come to worship. The church prays for Council's wisdom that God's will, will be done. There is no reason to rezone this property in order to have what will essentially be a bar

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

located across from his church. He didn't want to prevent the gentleman from starting a business, but not this business in this location.

Amber Smith of 1989 Summerfield Circle, Conover, NC stated that she was opposed to having a meadery located across from the church. From 2012 to 2021, in a year's time we have had 71 alcohol-related to 131 alcohol related deaths. The 2024 Community Health Assessment sites binge-drinking as a health concern in this community. Alcohol has no business in strong and healthy families. She stated that her daughter gave her a message that says that this business does not belong by a church as there are many kids by the church.

Cristi Manos of 9005 Shanington Pl, Charlotte, NC stated that she was Mr. Manos's wife and she was here to show support for the rezoning. She stated while there has been a lot of opposition from the church, she hasn't heard any from the local residents that are nearby. Her husband wanted to open this to have something beautiful. They like to visit wineries. She didn't consider them bars but beautiful places to talk to people about their craftsmanship. She wanted to point out that her husband is an alcoholic that has been sober for four years and doesn't drink. Sometimes, people can have a healthy relationship and rebuild. It is not his intention to make something scary and dangerous. It is a beautiful piece of property. At the worst of her husband's alcoholism, you would never see him consuming a \$30 mead.

Ben Keller of 102 Brandywine Drive NE I-5, Conover NC spoke in support of his pastor and the people of the church and against the rezoning to allow for a meadery. He spoke about coming from a family that is steeped in tradition and the sacrifices needed to do the right thing. He hopes his son will pick up the torch. He then spoke of the City's traditions. This type of establishment goes against those values. It provides opportunities for self-pleasure and alcoholism in a place across the road from where people are trying to heal from that very disease. It gives opportunities to allow for drinking and driving. He would be shocked if there would be a lot of jobs created by this business. He asked the Council to say no to the rezoning. There are already areas zoned for this type of establishment in and around this area.

Danny Lake of 1700 Emmanuel Church Road stated that this was not something that was needed in the area.

Sondra Vance of 102 Brandywine stated if business were allowed in this location, she would be scared of drunk drivers endangering her son. She is not against a meadery, but she is against it being that close to the church and her house.

Pastor Brian Correll of Emmanuel Baptist Church and of 1606 Victorian Hills Cir, Conover, NC spoke briefly about the large turn-out for last year's trunk or treat event that occurred from 6 p.m. until 8 p.m. He asked Council to consider that.

Motion was duly made by Council Member Canrobert, seconded by Council Member Green, to close the public hearing.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

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

Attorney Matthews stated that Council's decision tonight was whether the property should be rezoned to M-1 and not whether the property should be a meadery. Council should consider whether this rezoning is consistent with the Land Development Plan and whether it is consistent with what the adjacent properties are zoned for. If the rezoning is denied tonight and in six months another petition is presented for the M-1 rezoning, and it is approved, the applicant loses his appeal rights because their appeal window would have run out. It would, however, raise an arbitrary capricious argument as to what changed in the last six months. The use is not a consideration as part of the rezoning. The applicant has said what he is going to do, but he did not have to volunteer that information.

Item 9(b): Ordinance 36-24: Zoning Ordinance Amendment

Erik Schlichting, Planning Director presented Ordinance 36-24: Zoning Ordinance Amendment.

Motion was duly made by Council Member Canrobert, seconded by Mayor Pro Tem / Council Member Eckard, to adopt Ordinance 36-24: Zoning Ordinance Amendment and to move to approve zoning request R24-07 for the property, located at 1507 Emmanuel Church Rd (PIN 374112866957), finding that the request is reasonable and in the public interest because: 1) the proposed development aligns with the Land Development Plan Future Land Use Map and 2) the proposed development will accommodate an existing business's desire to align their business better with modern shopping trends, increasing retail opportunities for Conover citizens.

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

With a vote of three (3) for and three (3) against, the adoption of Ordinance 36-24: Zoning Ordinance Amendment failed due to a lack of a majority vote. The approval of the zoning amendment request was denied.

(ORDINANCE ADOPTION FAILED: A draft copy of Ordinance 36-24: Zoning Ordinance Amendment contained in exhibit file called 2024 Ordinances.)

CITY OF CONOVER
ORDINANCE 36-24
ZONING ORDINANCE AMENDMENT

WHEREAS, Shawn and Christina Manos submitted rezoning request R24-07 to the City of Conover on July 26th, 2024 to rezone a .88 acre property at 1507 Emmanuel Church Rd (Catawba County PIN 374112866957) owned by TC Corriher Implement Company Inc., and

WHEREAS, the request is to rezone of this parcel, currently zoned B-1 (Neighborhood Business) to M-1 (General Manufacturing), and

WHEREAS, a public hearing on the question of said rezoning was held by the Conover Planning Board after due notice and advertisement thereof, at the regular meeting September 10th, 2024 during which a statement of consistency with other City of Conover plans was provided, and

WHEREAS, a public hearing on the question of said rezoning was held by the Conover City Council, after due notice and advertisement thereof, at the regular meeting of October 7th, 2024 during which a statement of consistency with other City of Conover plans was provided

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 from B-1 (Neighborhood Business) to M-1 (General Manufacturing):

Being all of parcel Catawba County PIN 374112866957, described as follows:
BEGINNING at an iron pin located at the southeast corner of W. F. Lineberger, at the northern edge of right of way of Emanuel Church Road, State Road No. 1739 and running thence with the margin of said right of way, South 58° 53' East 111.6 feet to a stake; thence running South 51° 03' East 21.8 feet to an iron pin; thence running South 51° 03' East 125 feet to an iron pin in the rights of way of the intersection of Emanuel Church Road, State Road No. 1739 and Lineberger Road, State Road No. 1740; thence running with the western right of way of State Road No. 1740, North 46° 37' East 142.35 feet to an iron pin; thence continuing with the western right of way of State Road No. 1740, North 41° 09' West 179.52 feet to an iron pin, being in the southern line of A. C. Hines property; thence with the southern line of Hines and Mrs. L. E. Hunsucker, South 87° 00' West 149.79 feet to an iron pin located at the northeast corner of W. F. Lineberger; thence running with the line of Lineberger, South 31° 07' West 87.51 feet to place and point of BEGINNING and being Lots B and C, as shown on a plat entitled 'W. F. Lineberger Pro., Conover, N.C.' prepared by Sam Rowe, Jr., Registered Surveyor, dated January 22, 1962, with reference to Book 132 at page 6, of Catawba County Registry.

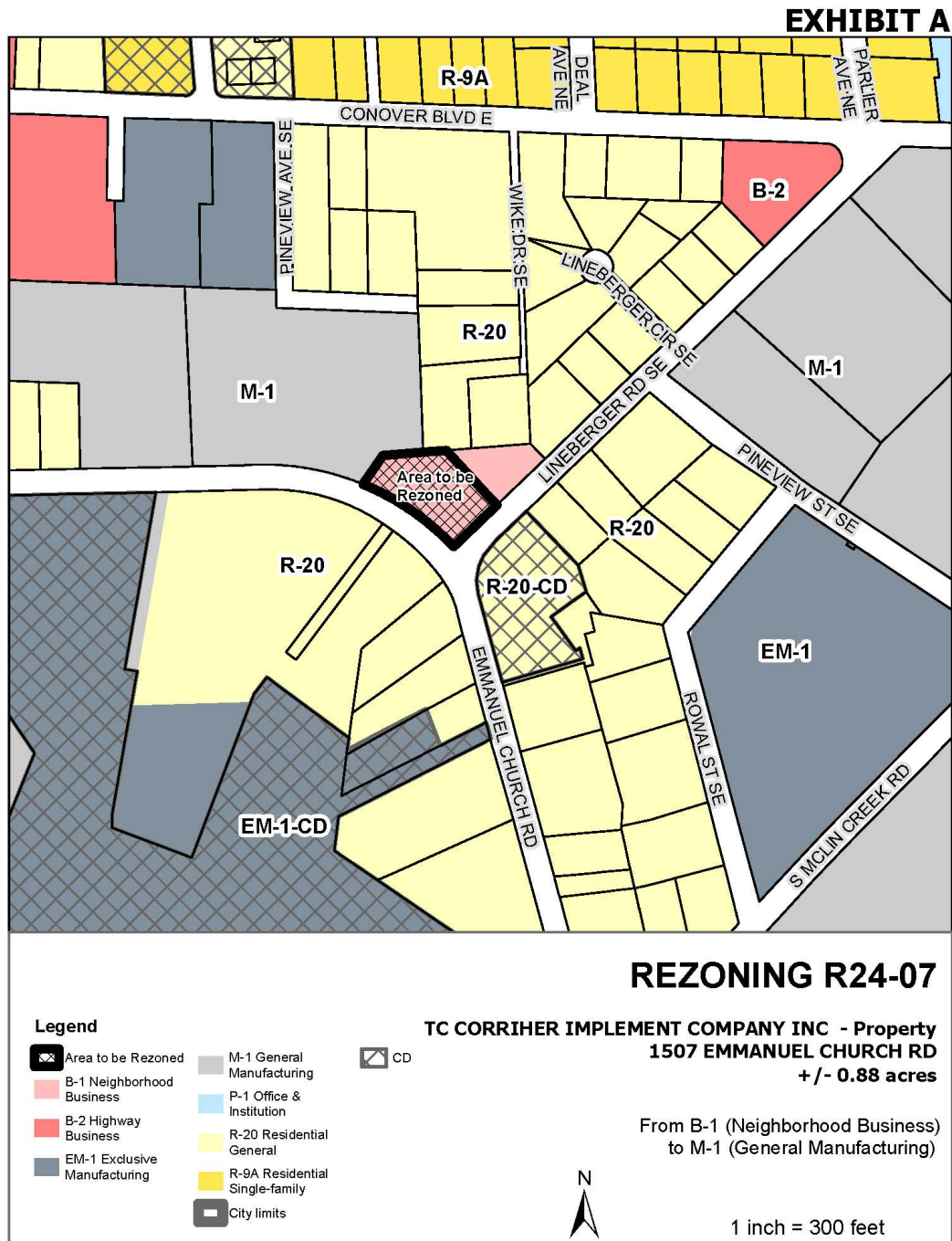
Section 2. That the City Planner is hereby directed to make the change on the Official Zoning Map of the City of Conover to show the rezoning thereon as herein provided for

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

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

_____ *this 7th day of October, 2024*



Item 10: Annexation Petition For the Properties Located Along Rock Barn Road NE and Identified by Catawba County GIS Parcel Identification Numbers:

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-.

- a. **Public Hearing: to Receive Public Comments for the Annexation Request For the Properties Located Along Rock Barn Road NE and Identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-**
- b. **Ordinance 37-24: An Ordinance to Extend the Corporate Limits of the City of Conover for Property Identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-.**

Stephanie C. Watson, City Clerk / Assistant to the Manager and Erik Schlichting, Planning Director presented an annexation petition for the properties located along Rock Barn Road NE and identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/- . The annexation petition was received by the Clerk's Office on July 19, 2024. The property owners involved are Dan Hunsucker; Hunsucker Legacy Farms, LLC f/k/a Hunsucker Farms, LLC; Michael Mahoney; and Wendy Wilcox. During the September 3, 2024 Council Meeting, Council called for a public hearing to receive public comments on the proposed annexation to take place during the October 7, 2024 Council Meeting. The properties contained within the petitioned area are considered contiguous to the City of Conover and city services can be provided.

Item 10(a): Public Hearing: to Receive Public Comments for the Annexation Request For the Properties Located Along Rock Barn Road NE and Identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-

Mayor Hayman opened the public hearing.

Dan Hunsucker of 3216 John Daniel Drive, Conover informed Council that the petition was for his property. He gave a brief history of the property and then spoke of his current situation.

Bob Choppa of 4203 Holly Circle NE, Conover asked where the access roads would be for the proposed development. If the property is annexed, can the property owner then do whatever they want with it? He is all for controlled growth as Conover can use it. His concern was would the road be able to handle the traffic.

Rex Crew of 4162 Holly Circle NE, Conover suggested that Mr. Hunsucker put his property into a future farmers' growth opportunity for the community. Why change it to a development? Why is the city trying to annex property when there is infrastructure elsewhere

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

that will support that kind of thing? There needs to be some consideration of other options.

Ben Paysuer of 511 7th St PI NE stated that was not in opposition of the development of this property. He is opposed to growth without a plan. This unplanned growth is going to put some serious stress on our resources. There needs to be coordination between City Council, the school board, and the Department of Transportation. We need to be mindful of the community. We have keep in mind that M/I Homes is a publicly traded company and look at shareholder return. You have to assume they are going to go for the max. He spoke briefly about the Woodlawn plans that were previously brought before Council. Council does not have a plan for these homes.

Sam Burnett of 2791 Palmer Drive spoke of a letter that was endorsed by the HOAs at Rock Barn that was delivered to Council. He spoke of the future of the community and a concern about future traffic. He spoke about the possible need to replace the bridge in that area. Given the future growth of that area, shouldn't the traffic analysis consider a broader area of the road?

Kevin Spensor of 3481 Rock Bridge Drive, Conover spoke about parts of property that were included in the annexation that did not belong to Mr. Hunsucker. He added that there are issues with runoff in that area. He requested that 20 acres be removed from the rezoning.

Mr. Schlichting stated that the owners of the property that Mr. Spensor referenced are listed in the annexation petition and have signed an affidavit to allow the developer to speak on their behalf for the annexation and rezoning.

Motion was duly made by Council Member Canrobert, seconded by Council Member Fulbright, to close the public hearing.

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 10(b): Ordinance 37-24: An Ordinance to Extend the Corporate Limits of the City of Conover for Property Identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-

Stephanie C. Watson, City Clerk / Assistant to the Manager Ordinance 37-24: An Ordinance to Extend the Corporate Limits of the City of Conover for Property Identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-.

Motion was duly made by Council Member Canrobert, seconded by Mayor Pro Tem / Council

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Member Eckard, to adopt Ordinance 37-24: An Ordinance to Extend the Corporate Limits of the City of Conover for Property Identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 Containing Approximately 183.44 acres +/-.

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 37-24: An Ordinance to Extend the Corporate Limits of the City of Conover, NC contained in exhibit file called 2024 Ordinances.)

CITY OF CONOVER ORDINANCE 37-24

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONOVER NC

WHEREAS, the Conover City Council has petitioned under G.S. 160A-31 to annex the area described herein; and

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing of this annexation was held at the Conover City Council at 6:00 p.m. on the October 7, 2024 after due notice and advertisement thereof; and

WHEREAS, the Conover City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Conover City Council of the City of Conover, NC:

Section 1. By virtue of the authority granted by G. S. 160A-31, as amended, the following described territory is hereby annexed and made part of the City of Conover as of the 7th day of October, 2024:

The area proposed for annexation can be identified as the following properties identified by Catawba County GIS Parcel Identification Numbers: 375206378536 and Portions of Parcels 375206479503, 375210364087 and 375211558910 and more particularly described as

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

follows:

Beginning at a Computed Point (CP) - common corner with PID 375210364087 (PB 88 Pg 52), thence N 6° 34' 29" E 96.93' (passing a Square Iron Found @ 60.20') to a CP in the center of Rock Barn Road (60' R/W), thence with the center of Rock Barn Road N 44° 00' 32" E 1266.56' to a Mag Nail Set in the intersection of Rock Barn Road and St. Johns Church Road, thence with the center of St. Johns Church Rd N 2° 46' 36" E 944.25' to a Nail Found within the R/W of St. Johns Church Rd, thence N 2° 45' 44" E 140.54' to an Iron Found, thence with PID 375206382015 N 2° 56' 53" E 404.44' to a Flat Iron Bar Found, thence N 89° 06' 53" E 654.98' to an Iron Pipe Found, thence with PID 375206474673 S 26° 00' 34" E 707.56' to an Iron Found, thence with PID 375210475393 S 25° 59' 08" E 349.88' (passing an Iron Found @ 297.23') to a CP in the center of Rock Barn Road, thence with PID 375210466897 4 calls: (1) S 26° 00' 06" E 71.25' to a CP, (2) S 26° 21' 17" E 506.35' to a Pipe Found, (3) N 58° 15' 27" E 66.11' to an Iron Pin Found (IPF), (4) N 25° 43' 23" W 527.20' (passing an Iron Shaft Found @ 499.26') to a CP in the center of Rock Barn Road, thence with the center of Rock Barn Road 27 calls (all to CP's): (1) S 87° 53' 48" E 93.60', (2) N 89° 01' 25" E 61.54', (3) N 85° 47' 28" E 80.90' - common corner with PID 375206479503, (4) N 82° 15' 40" E 81.36', (5) N 80° 33' 09" E 36.47', (6) N 79° 24' 46" E 37.54', (7) N 77° 59' 37" E 39.01', (8) N 76° 34' 34" E 40.62', (9) N 74° 42' 28" E 39.91', (10) N 73° 07' 38" E 26.26', (11) N 72° 34' 03" E 14.29', (12) N 71° 53' 37" E 26.30', (13) N 70° 56' 35" E 11.36', (14) N 69° 50' 13" E 27.20', (15) N 69° 06' 04" E 37.63', (16) N 67° 20' 10" E 44.32', (17) N 65° 08' 06" E 42.02', (18) N 62° 31' 28" E 37.72', (19) N 59° 48' 48" E 43.57', (20) N 57° 11' 21" E 35.60', (21) N 55° 13' 17" E 26.81', (22) N 53° 19' 21" E 36.43', (23) N 51° 32' 50" E 44.53', (24) N 49° 40' 47" E 37.95', (25) N 47° 54' 20" E 38.64', (26) N 45° 47' 56" E 41.13', (27) N 43° 11' 28" E 43.67', thence leaving Rock Barn Rd and with PID 375211577451 3 calls: (1) S 26° 28' 49" E 32.45' to an IPF, (2) S 26° 44' 27" E 262.59', (3) N 57° 44' 47" E 131.98', thence with PID 375207578571 N 57° 39' 07" E 180.02' to an Axle Found, thence with PID 375207672717 2 calls: (1) N 57° 53' 24" E 121.86' to a Pipe Found, (2) S 40° 49' 41" E 1961.24' to a Square Iron, thence with PID 375212852742 S 40° 58' 43" E 862.78' to an Axle, thence with PID 375212758095 S 58° 22' 13" W 1270.85' to an Iron Found on the Northern R/W of Interstate 40 (NCDOT Project # 8.16441), thence with the R/W of Interstate 40, 5 calls: (1) S 80° 19' 57" W 211.66' to a R/W Monument, (2) S 10° 11' 26" E 34.63' to a R/W Monument, (3) S 80° 28' 42" W 858.85' to a R/W Monument, (4) N 9° 49' 52" W 39.16' to a R/W Monument, (5) S 80° 26' 44" W 250.75' to a CP, thence leaving Interstate 40 with PID 375210364087 15 calls: (1) N 41° 20' 37" W 394.87' (passing an IPF @ 28.27') to an IPF, (2) N 29° 05' 20" W 269.87' to an IPF, (3) N 30° 03' 50" W 59.97' to an IPF, (4) N 29° 04' 20" W 285.96' to an IPF, (5) N 39° 28' 29" W 384.84' to an IPF, (6) N 32° 37' 09" W 461.65' to an IPF, (7) N 27° 58' 46" W 60.17' to an IPF, (8) N 25° 03' 14" W 415.66' to an IPF, (9) N 20° 58' 00" W 368.14' to an IPF, (10) N 12° 30' 41" W 249.90' to an IPF, (11) N 19° 10' 59" W 107.93' to a CP, (12) a curve to the left with an arc length of 236.81' (chord - S 69° 53' 55" W 235.78' and a radius of 730.45') to a CP, (13) S 59° 07' 03" W 116.50' to a CP, (14) a curve to the left with an arc length of 210.57' (chord - S 49° 50' 09" W 209.99' and a radius of 818.95') to a CP, (15) S 44° 00' 32" W 1712.87' to the Point of Beginning, containing 183.44 Acres.

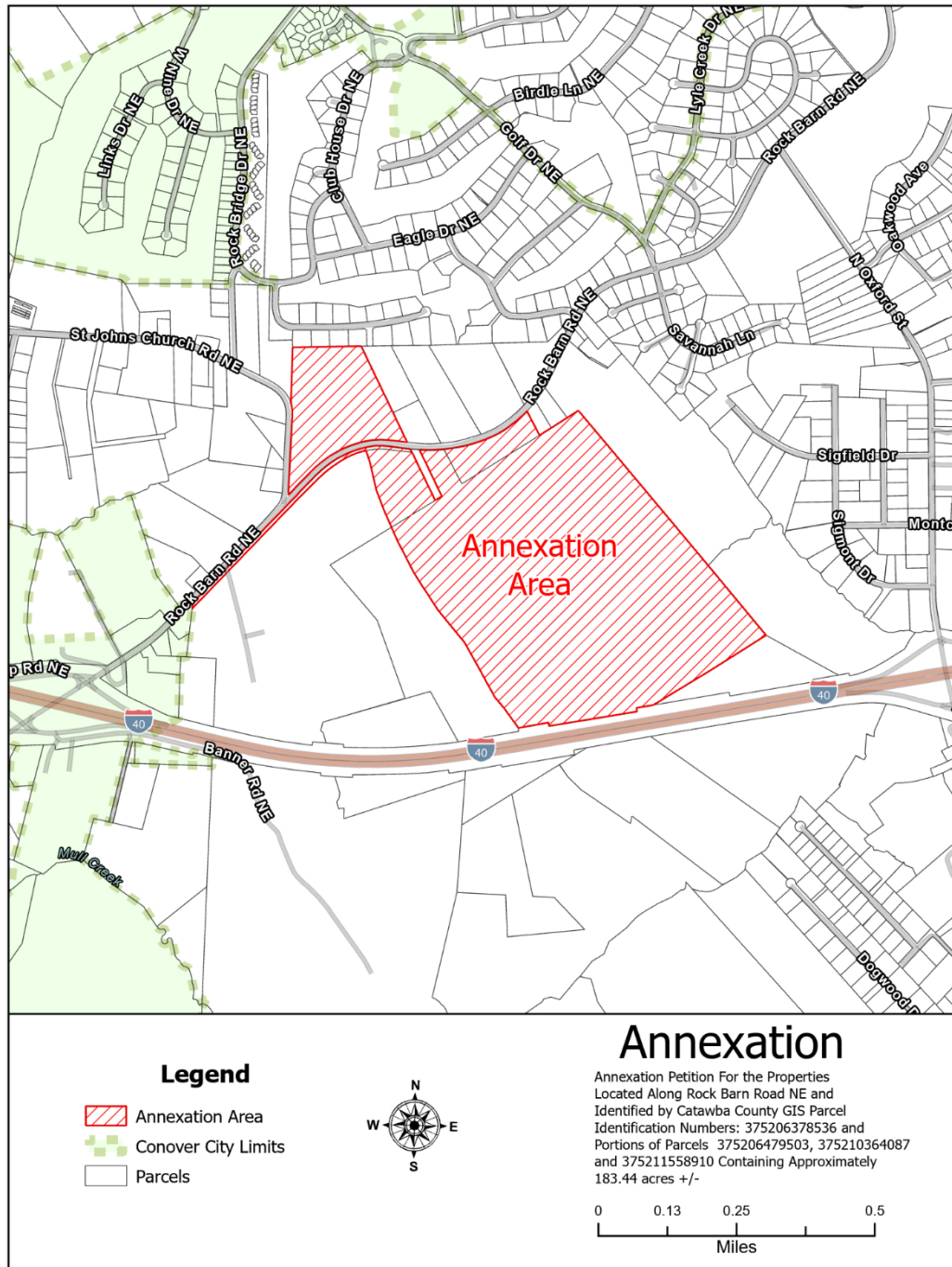
Section 2. Upon and after the 7th day of October, 2024, the above described territory and its

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Conover and shall be entitled to the same privileges and benefits as other parts of the City of Conover. Said territory shall be subject to municipal taxes according to G. S. 160A-31.

Section 3. The Mayor of the City of Conover 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 a duly certified copy of this ordinance.

Adopted this 7th day of October, 2024.



Item 11: Consideration of the Rezoning for a 23.05 +/- Acre Tract Located at 3709 Rock Barn Rd, Identified as a portion of Catawba County PIN 375206378536 from R-

20 (Catawba County Residential) to NR-CD (Neighborhood Residential – Conditional District)

Rezoning Portion of 3709 Rock Barn Road (Rezoning 24-04)

- a. Public Hearing: To Receive Public Comments on the Rezoning for a 23.05 +/- Acre Tract Located at 3709 Rock Barn Rd, Identified as a portion of Catawba County PIN 375206378536 from R-20 (Catawba County Residential) to NR-CD (Neighborhood Residential – Conditional District)**
- b. Ordinance 38-24: Zoning Ordinance Amendment**

Erik Schlichting, Planning Director presented the request for the rezoning for a 23.05 +/- acre tract located at 3709 Rock Barn Rd, identified as a portion of Catawba County PIN 375206378536 from R-20 (Catawba County Residential) to NR-CD (Neighborhood Residential – Conditional District) - (Rezoning 24-04).

Mr. Schlichting informed Council that M/I Homes has requested the rezoning due to plans to build 99 townhomes which are attached dwellings.

Mr. Schlichting addressed some of the pressing concerns that were mentioned during the prior Planning Board meeting about this rezoning. Conover is located within two school districts: Catawba County and Newton-Conover City Schools. When a preliminary plan is approved, the City sends that information to whichever school district that property is located in so the schools know about the potential development years before it is completed. The city has been working with an engineer to find out the status of the developments in this area. The sewer treatment plant is working at about 25% capacity. The city's water needs are adequate for everything that is planned to this point. Microsoft has new technology that will reduce the amount of water that they initially thought they would need. There are people that worked for the city prior to Mr. Schlichting had planned out utility plans decades in advance. State rules are that once a city hits 80% capacity, the city will have to start engineering for expansion. There was mention of the recent loss of approximately 275,000 plus gallons from the City of Hickory. In reference to transportation, Mr. Schlichting attends a monthly meeting with the Metropolitan Planning Organization along with other cities in our region. There they discuss long and short term plans for transportation improvements. Mayor Pro Tem Eckard serves as the chair of the equivalent elected official-led board. The NCDOT is usually a reactive entity and, if considered, there is concern about wasting money on updating a road and the road ages before capacity is needed. The NCDOT has guidelines when the city sends them plans, and they have a threshold that will initiate a traffic impact analysis that will tell them what sort of improvements the roads need. The NCDOT informed him this morning that the Rock Barn Bridge project has been pushed back until at least 2030. The plans have been put on hold and when the project is brought back up, a new analysis will be done. If there is any approved development in that area, it will be taken into account. When it comes time to do the updated plan for the bridge, they will need to do a new traffic study. The city will meet with

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

the DOT then. The Saint Johns Church road bridge is scheduled for 2028. As for housing, the NC legislature has removed the city's ability to set standards for size, appearance or materials for one and two family homes. The city cannot say anything about the style of construction. Conditional zoning is different, it is an agreement between the city and a developer.

Mr. Schlichting stated that the city could not restrict what the developer chooses for a standard subdivision as far as materials, colors, architecture. As long as the house meets the standards for the North Carolina building code, it gets permitted. It was his understanding that beginning next year, this would also be so for three and four family homes.

Mr. Schlichting spoke about the proposed rezoning. The Land Development Plan shows this as medium to high density residential. The proposal is sitting under what is considered medium at 4.3 units an acre. He spoke of other recent developments in the last few years. He then explained the development plan which included locations for access points, retention ponds, walking trails, and a mixed-use bike and ped path. The buffer area was then discussed and Council was presented a sample elevation and color rendering. The property is in a watershed protected area. They are planning on providing stormwater control.

Mr. Schlichting spoke briefly about the proposed conditions for this property.

The developer did submit a traffic impact analysis to NCDOT. It did not include the plan because there has not been a review or approval of a subdivision. Currently, the city is only looking at the rezoning of that property. The traffic impact analysis stated that there were no improvements required for this development.

The Planning Board reviewed this request and voted to approve the recommendation to City Council with additional conditions.

This particular property has access to water. There is sewer on Rock Barn Road but to serve this development it would require a pump station. Their intent is to build a single pump station that would serve both sides of the road. Once development was completed, the city would take over the road and provide services.

M/I Homes is okay with the proposed conditions. There was further discussion of the proposed conditions.

Jeremy Smith 1537 Cider Park Drive, Pine representing M/I Homes spoke briefly about the materials they plan to use for the project and the construction process.

Item 11(a): Public Hearing: To Receive Public Comments on the Rezoning for a 23.05 +/- Acre Tract Located at 3709 Rock Barn Rd, Identified as a portion of Catawba County PIN 375206378536 from R-20 (Catawba County Residential) to NR-CD (Neighborhood Residential – Conditional District)

Mayor Hayman opened the public hearing.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Sammy Burnett of 2791 Palmer Drive, Conover stated that he understood that there is capacity for water and sewer, but he wondered if the lines were capable of handling the demand. There is currently a drain issue on Rock Bride Road beside Rock Barn that has not been repaired. He understood the state of North Carolina's position on developing and zoning. He asked that Council put as much pressure on the look, style, materials, anything with this new community. It took fifty years to develop Rock Barn. This development will be the size of Rock Barn and will be completed in two to five years. That will be a lot of demand on infrastructure. How will it look by the adjoining Rock Barn neighborhood? He asked for that consideration. They are not against development but ask for planned development.

Margie Hicks of 3704 Lail Creek, Conover, NC and 306 7th St Place, Conover stated that the main point during the Planning Board meeting was how this will look. Now it sounds like the developer can do what they want. There is a vagueness about what is real and what is not. She is not against developing either, but you have to know what you are developing. The discussion today is totally different from what it was two weeks ago. The Planning Board questioned every little thing about the project. Today, it's like "if we pass it, it is done and there are no regulations". That was her concern. She was also concerned about traffic, as it is currently terrible.

Rex Pruitt of 4162 Holly Circle NE, Conover, NC requested that Council to ask the developer to make sure that the infrastructure is going to be built and represented so that all the traffic issues that have been sited are addressed. He spoke of a previous place that he lived and the issues with required infrastructure in relation to the development of 99 homes. Having one less home made a difference on requirements. He encouraged the city to check into that.

Mr. Bob Choppa asked if having a homeowners association is required. That is a very critical part. In Rock Barn, there are seven homeowners associations, and it keeps things in line. He asked about the 99 homes that Mr. Pruitt mentioned.

Mr. Schlichting stated that he was not aware that the 99 unit figure had any basis for the NCDOT threshold. He only knows that there is a threshold of how many trips traveled before a traffic impact analysis is required. The traffic impact analysis was submitted for both developments. Fire code says that if you go over 100 single family residential units, you have to have two entrances. They have two entrances. The developer is committed to a style close to what was presented during the meeting. The Planning Board showed a concern that there would be a mix of materials and appearance. The developer brought renderings and Council could discuss with the developer additional conditions.

There was some discussion about having a homeowners association. One of the representatives of M/I Homes stated that there was a plan to have a master homeowners association and sub associations. The sub association would manage the appearance of the homes over time.

Eddie Moore with McAdams (a land development design firm) spoke briefly about the project and then Derek Stabel of M/I Homes gave a presentation about the M/I Homes company and their plans for the development and for the architecture of the homes. The outside of the homes

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

will be managed by the homeowners association. A phase 1 environmental assessment has been conducted for the site by a third party environmental firm and there are no existing endangered or rare species of plants or animals. There is a permanent conservation easement that is approximately ten acres in size on the site. They plan to build around that. Density is 4.3 which is less than what is recommended in the LDP plan. There are two points of connection to the property. There are trails coming into the site, there are two areas for recreation. There is fifty percent open space on this site. He then spoke of the proposed conditions and the additional conditions proposed by the Planning Board.

There was some discussion about the layout and costs of the units, with an estimated price point being \$400,000.

Mr. Choppa stated that he was glad that there would be a homeowners association. He asked about the rezoning for the second piece of property. He asked if the builder would continue the project if the second part is not rezoned. It is a big decision.

Kevin Hunt of 2954 Palmer Drive asked about the traffic impact analysis in reference to the two properties. He then asked about the pump station in reference to the two properties. He then spoke about public remarks made about M/I Homes in reference to following up on their projects.

Mr. Hart stated that there was a traffic impact analysis (TIA) submitted for both projects but on the southern half, the design is not complete so there may be another needed if the design is changed.

The TIA included 99 townhomes and 429 single family homes.

Mr. Schlichting stated that they intend to build a single pump station on the south side of the property that would handle both sides of the development. That was included in the provisions.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Canrobert, to close the public hearing.

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

There was some discussion about the facade of the townhomes and the need for them to blend into the surrounding communities.

Mr. Hunsucker spoke about what he could currently put on that property by right. The plan is to conserve the value of all the homes in the surrounding area as he will still be living next to it.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Council was presented and considered additional conditional zoning options that were presented to them by the developer and after some discussion, it was the consensus to choose Option 2 with the Alternate to Option 2 being the backup choice.

30 foot rear buffer (northern property line) options:

- a. **OPTION 1** - The rear buffer yard (northern property line) will be increased to 30 feet and consist of 3 shade trees per 100 linear feet and triple row of evergreen shrubs; or
- b. **OPTION 2** - The rear buffer yard (northern property line) will be increased to 30 feet and consist of a minimum 4 foot berm with 3 shade trees per 100 linear feet and double row of evergreen shrubs. Shade trees to be planted along top of berm and evergreen shrubs to be planted along top, sides, and/or base of berm; or
- c. **ALTERNATE TO OPTION 2** - Based on site grading and should a minimum 4 foot berm not be practical, the rear buffer yard (northern property line) will be increased to 30 feet and consist of 3 shade trees per 100 linear feet, double row of evergreen shrubs, and a minimum 6 foot opaque fence installed along the interior (site side) of the rear buffer yard.

Item 11(b): Ordinance 38-24: Zoning Ordinance Amendment

Erik Schlichting, Planning Director presented Ordinance 38-24: Zoning Ordinance Amendment and the proposed conditions agreed to by the developer.

Motion was duly made by Council Member Powell, seconded by Council Member Canrobert, to adopt Ordinance 38-24: Zoning Ordinance Amendment with the included conditions and use of Option 2 with the Alternate to Option 2 as back up, and to approve zoning request R24-04 for a portion of the property located at 3709 Rock Barn Rd (PIN 375206378536), finding that the request is reasonable and in the public interest because: 1) the proposed development aligns closely with the Land Development Plan Future Land Use Map which shows this area as medium to high density residential development, 2) the proposed development is already served by City water and sewer is within close proximity, 3) the proposed development is along a corridor which other City services, such as sanitation, already operate, and 4) the proposed development will provide needed housing opportunities to the community.

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 38-24: Zoning Ordinance Amendment and conditions are contained in exhibit file called 2024 Ordinances)

***CITY OF CONOVER
ORDINANCE 38-24***

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

ZONING ORDINANCE AMENDMENT

WHEREAS, M/I Homes of Charlotte submitted rezoning request R24-04 to the City of Conover on June 19th, 2024 to rezone a 23.05 acre portion of the property at 3709 Rock Barn Rd (Catawba County PIN 375206378536) owned by Dan Alan Hunsucker., and

WHEREAS, said property was annexed into the City Limits on October 7th, 2024, and

WHEREAS, the request is to rezone of this parcel, currently zoned Catawba County R-20 (Residential) to Conover NR-CD (Neighborhood Residential – Conditional District) along with the submitted development proposal and conditions, and

WHEREAS, a public hearing on the question of said rezoning was held by the Conover Planning Board after due notice and advertisement thereof, at the regular meeting of September 10th, 2024 during which a statement of consistency with other City of Conover plans was provided, and

WHEREAS, a public hearing on the question of said rezoning was held by the Conover City Council, after due notice and advertisement thereof, at the regular meeting of October 7th, 2024 during which a statement of consistency with other City of Conover plans was provided.

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 from Catawba County R-20 (Residential) to Conover NR-CD (Neighborhood Residential – Conditional District) with the proposed site-specific development plan and conditions:

Being a portion of the property addressed as 3709 Rock Barn Rd (Catawba County PIN 375206378536) herein described as:

Beginning at a Mag Nail Set in the center of the intersection of Rock Barn Road and St Johns Church Road, thence with the center St Johns Church Rd N 2° 46' 36" E 944.25' to a Nail Found within the R/W of St Johns Church Rd, thence N 2° 45' 44" E 140.54' to an Iron Found, thence with PID 375206382015 N 2° 56' 53" E 404.44' to a Flat Iron Bar Found, thence N 89° 06' 53" E 654.98' to an Iron Pipe Found, thence with PID 375206474673 S 26° 00' 34" E 707.56' to an Iron Found, thence with PID 375210475393 S 25° 59' 08" E 349.42' (passing an Iron Found @ 297.23') to a Computed Point (CP) in the center of Rock Barn Road, thence with the center of Rock Barn Road 11 calls: (1) N 82° 51' 38" W 144.45' to a CP, (2) a curve to the left with an arc length of 80.96' (chord - N 84° 36' 07" W 80.95' and a radius of 1453.57') to a CP, (3) a curve to the left with an arc length of 80.67' (chord - N 89° 10' 38" W 80.64' and a radius of 773.70') to a CP, (4) a curve to the left with an arc length of 127.27' (chord - S 82° 39' 20" W 127.07' and a radius of 651.93') to a CP, (5) a curve to the left with an arc length of 159.64' (chord - S 72° 35' 40" W 159.46' and a radius of 992.19') to a CP, (6) a curve to the left with an arc length of 162.63' (chord - S 62° 43' 19" W 162.45' and a radius of 1012.14') to

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

a CP, (7) a curve to the left with an arc length of 167.01' (chord - S 53° 17' 32" W 166.79' and a radius of 936.00') to a CP, (8) a curve to the left with an arc length of 53.40' (chord - S 47° 04' 53" W 53.40' and a radius of 2881.45') to a CP, (9) a curve to the left with an arc length of 104.24' (chord - S 44° 47' 37" W 104.23' and a radius of 3367.65') to a CP, (10) S 43° 48' 55" W 207.64' to a CP, (11) S 44° 24' 01" W 106.40' to the Point of Beginning, containing 23.05 Acres.

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

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. That this ordinance shall be effective from its passage.

Adopted this 7th day of October, 2024.

Conditional notes - R24-04

Hunsucker Townhomes - Rock Barn Rd

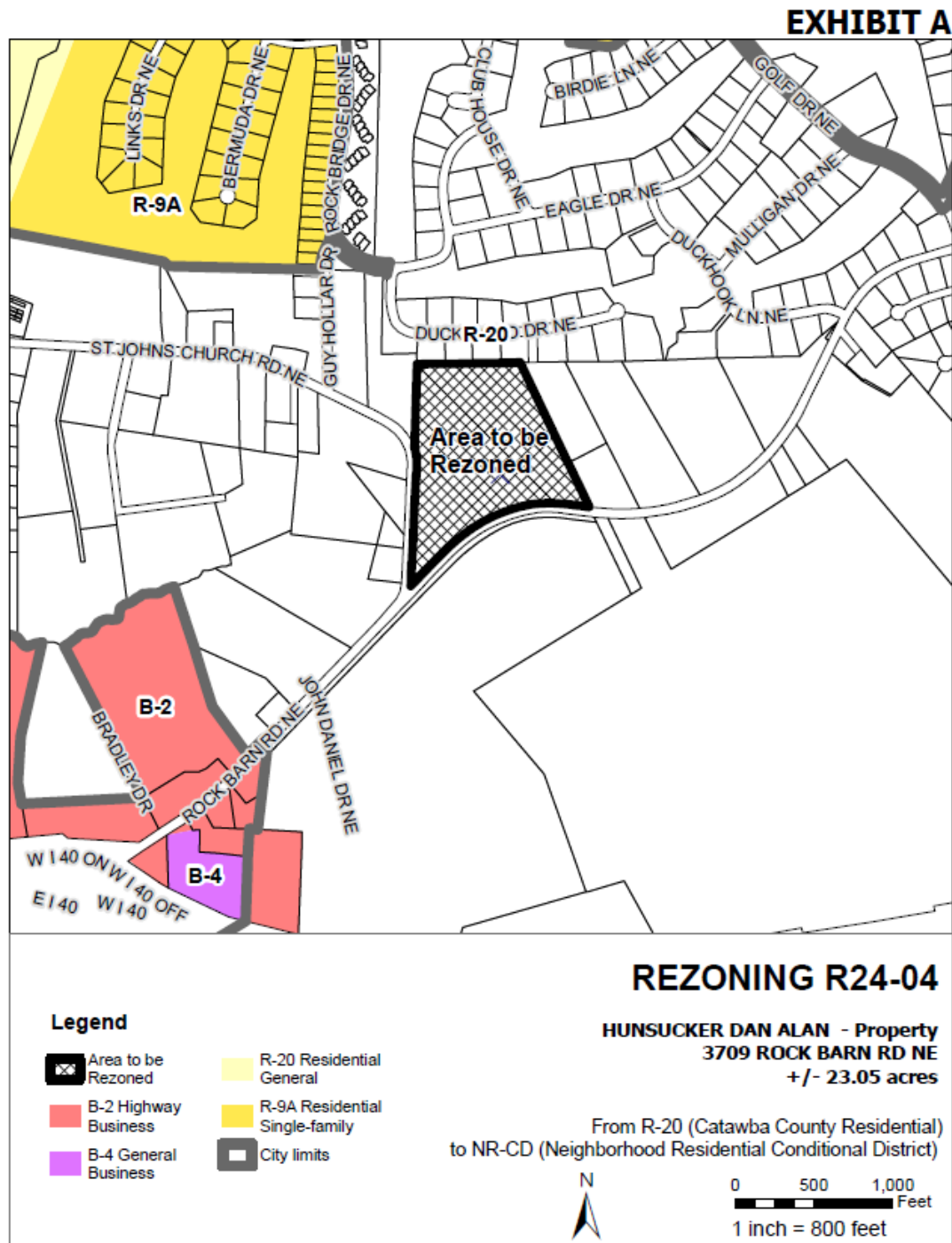
1. THE DEVELOPMENT SHALL CONSIST OF A MAXIMUM OF 99 ATTACHED TOWNHOME DWELLINGS.
2. BUILDINGS SHALL NOT EXCEED 35' IN HEIGHT.
3. ARCHITECTURAL STYLE AND MATERIALS SHALL BE CONSISTENT WITH THE DESIGN AS SUBMITTED AND APPROVED WITH THIS CONDITIONAL DISTRICT PLAN FOR THE FRONT FACADE OF THE DWELLINGS. A VARIETY OF EXTERIOR BUILDING MATERIALS SHALL BE ALLOWABLE AND UTILIZED ON PRIMARY AND ACCESSORY STRUCTURES. EXTERIOR STRUCTURE MATERIALS SHALL BE DURABLE AND RESIDENTIAL IN CHARACTER AND SHALL ALLOW A MIX OF BUT NOT LIMITED TO CEMENTITIOUS SIDING (SUCH AS HARDIE PLANK), MASONRY, BRICK, SYNTHETIC OR NATURAL STONE, STUCCO, EIFS, METAL, MANUFACTURED OR NATURAL SIDING, VINYL, OR OTHER SIMILAR BUILDING MATERIALS.
4. FRONT AND REAR SETBACKS SHALL BE 25' MINIMUM.
5. NEW STREETS SHALL BE APPROVED BY THE CITY OF CONOVER AND BE BUILT TO CITY OF CONOVER STANDARDS. NEW STREETS SHALL BE PUBLIC.
6. ALL SIDEWALKS SHALL BE BUILT TO CITY OF CONOVER STANDARDS.
7. ALL DRAINAGE FEATURES OUTSIDE THE PUBLIC RIGHT OF WAY SHALL BE PRIVATELY MAINTAINED.
8. ALL STORMWATER RETENTION FEATURES AND CONVEYANCES SHALL BE CONSTRUCTED TO THE CITY'S STANDARDS AND BE PRIVATELY MAINTAINED.
9. ALL WATER AND SEWER UTILITIES CONSTRUCTED AS PART OF THE CITY'S UTILITY SYSTEM SHALL COMPLY WITH CITY'S REQUIREMENTS FOR MATERIALS, SIZES AND LOCATION.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

- THIS DEVELOPMENT REQUIRES A PUMP STATION TO SUPPLY SANITARY SEWER SERVICE.
10. ANY/ALL CITY UTILITY EASEMENTS SHALL BE 25' WIDE.
 11. MAIL SERVICE SHALL BE VIA MAIL KIOSK(S).
 12. MONUMENT STYLE SIGNS MAY BE PLACED AT EACH ENTRANCE AND SHALL COMPLY WITH THE CITY'S SIGN ORDINANCE.
 13. OPEN SPACE, RECREATION SPACE AND OTHER AMENITIES SHALL BE PRIVATELY MAINTAINED AND RESERVED EXCLUSIVELY FOR USE BY THE RESIDENTS OF THE DEVELOPMENT. CONSTRUCTION OF AMENITIES SHALL COMMENCE ONCE 50% OF UNITS HAVE BEEN PERMITTED FOR CONSTRUCTION.
 14. A SITE LIGHTING PLAN IS REQUIRED AT FINAL PLAN SUBMITTAL.
 15. STREET PLANTINGS MAY BE SUBJECT TO FIELD ADJUSTMENTS TO ACCOMMODATE REDUCING CONFLICTS WITH SIGHT LINES AND UTILITY PLACEMENT.
 16. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
 17. MINOR MODIFICATIONS-THE PLANNING DIRECTOR MAY APPROVE MODERATE ADJUSTMENTS TO THE LOCATION OF FEATURES, IMPROVEMENTS, BUILDINGS AND DRIVES AS SHOWN ON THE APPROVED PLAN, ADJUST BUILDING HEIGHTS UP TO 10% OR BUILDING SIZE UP TO 5%. ANY INCREASE IN DENSITY SHALL REQUIRE AN AMENDMENT TO THIS DEVELOPMENT APPROVAL.
 18. FINAL PLANS WILL BE REVIEWED AND APPROVED BY THE CONOVER SITE PLAN REVIEW COMMITTEE PRIOR TO CONSTRUCTION.
 19. DEVELOPER SHALL ENTER INTO A DEVELOPMENT AGREEMENT WITH THE CITY FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS PRIOR TO CONSTRUCTION.
 20. THE DEVELOPMENT AGREEMENT WILL ADDRESS THE INSTALLATION OF A SANITARY SEWER PUMP STATION. THE DEVELOPER HAS TWO OPTIONS:
 - a. DEVELOPER SHALL INSTALL A PUMP STATION ON SOUTH SIDE OF ROCK BARN RD DESIGNED TO HANDLE SANITARY SEWER CAPACITY FOR ENTIRE SEWER DRAINAGE BASIN
 - b. DEVELOPER OPTS TO BUILD A TEMPORARY PUMP STATION ON THIS PROPERTY SERVING ONLY THIS DEVELOPMENT. THE DEVELOPMENT AGREEMENT WILL INCLUDE A PLAN AND FUNDING FOR DECOMMISSIONING THE ON-SITE PUMP STATION WHEN A LARGER STATION IS CONSTRUCTED ON ADJACENT PROPERTY SOUTH OF ROCK BARN RD.
 21. THE DEVELOPER WILL INSTALL ALL ROAD IMPROVEMENTS ALONG NCDOT STREETS REQUIRED BY NCDOT FOR THIS DEVELOPMENT AND FURTHER DEVELOPMENT AS PROPOSED SOUTH OF ROCK BARN ROAD AS PART OF THIS CONDITIONAL DISTRICT APPROVAL.
 22. 30-FOOT REAR BUFFER (NORTHERN PROPERTY LINE):

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

- a. THE REAR BUFFER YARD (NORTHERN PROPERTY LINE) WILL BE INCREASED TO 30 FEET AND CONSIST OF A MINIMUM 4-FOOT BERM WITH 3 SHADE TREES PER 100 LINEAR FEET AND DOUBLE ROW OF EVERGREEN SHRUBS. SHADE TREES TO BE PLANTED ALONG TOP OF BERM AND EVERGREEN SHRUBS TO BE PLANTED ALONG TOP, SIDES, AND/OR BASE OR BERM; OR
- b. ALTERNATIVE TO OPTION A- BASED ON SITE GRADING AND SHOULD A MINIMUM OF 4-FOOT BERM NOT BE PRACTICAL, THE REAR BUFFER YARD (NORTHERN PROPERTY LINE) WILL BE INCREASED TO 30-FEET AND CONSIST OF 3 SHADE TREES PER 100 LINEAR FEET, DOUBLE ROW OF EVERGREEN SHRUBS, AND A MINIMUM OF 6-FOOT OPAQUE FENCE INSTALLED ALONG THE INTERIOR (SITE SIDE) OF THE REAR BUFFER YARD.



Item 12: Consideration of the Rezoning for a 160.38 +/- Acre Tract Located at 3709 Rock Barn Rd, 3728 Rock Barn Rd, 3769 Rock Barn Rd, 3223 John Daniel Dr NE; portions of Catawba County PINs 375206378536, 375211558910, 375206479503

and 375210364087.

3223 John Daniel Dr NE & 3709, 3728, & 3769 Rock Barn (Rezoning 24-06)

- a. Public Hearing: To Receive Public Comment on the Proposed Rezoning for a 160.38 +/- Acre Tract Located at 3709 Rock Barn Rd, 3728 Rock Barn Rd, 3769 Rock Barn Rd, 3223 John Daniel Dr NE; portions of Catawba County PINs 375206378536, 375211558910, 375206479503 and 375210364087**
- b. Ordinance 39-24: Zoning Ordinance Amendment**

Erik Schlichting, Planning Director presented the proposed rezoning for a 160.38 +/- acre tract located at 3709 Rock Barn Rd, 3728 Rock Barn Rd, 3769 Rock Barn Rd, 3223 John Daniel Dr NE; portions of Catawba County PINs 375206378536, 375211558910, 375206479503 and 375210364087 - Rezoning Petition 3223 John Daniel Dr NE & 3709, 3728, & 3769 Rock Barn (Rezoning 24-06). A portion of this property is in a permanent conservation easement that won't be developed. The future Land Use Development Map shows a mix of medium to low and medium to high density as a future land use. For this proposal, nothing will be above medium density. No formal review has been given to anything on the south side of this property. It is a part of the traffic impact analysis (TIA). If anything is changed significantly, then the DOT would have to have the TIA re-submitted. Based on what was submitted, the DOT made the following requirements: a right turn lane off of the two entrances at Rock Barn, a left turn lane off of N. Oxford Street, and an extended right turn lane coming off of I-40 at the Claremont exit. Within the submitted TIA was the combined amounts of the 99 townhomes and the 429 single family homes. The developer has requested that the property be rezoned NR (Neighborhood Residential) which allows for single family homes and churches. If the rezoning is approved, the developer would then need to bring a subdivision plan to the city.

The developer gave a brief presentation of their plans for the homes. Multiple plans will be made available for homeownersto choose from, but the developer will limit the number of same-style homes on a street. There was some discussion about the layout of the site, plans for buffering around the site, and amenities for the site.

Item 12(a): Public Hearing: To Receive Public Comment on the Proposed Rezoning for a 160.38 +/- Acre Tract Located at 3709 Rock Barn Rd, 3728 Rock Barn Rd, 3769 Rock Barn Rd, 3223 John Daniel Dr NE; portions of Catawba County PINs 375206378536, 375211558910, 375206479503 and 375210364087

Mayor Hayman opened the public hearing.

Holly Hunt of 2954 Palmer Drive NE stated that she had sent two emails to Council that said that it was disheartening that an entire community could be impacted by such an unclear rezoning plan that will allow the potential for up to 800 homes to be built. She understood the need for growth and development, however the Rock Barn community has over 600 residents

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

that were established over 50 years. This project will allow similar growth in a fraction of the time. The community was present at the Planning Board and voiced their concerns about the lack of planning and knowledge about the impact that this development will bring. With the NCDOT study that was mentioned, it did not take into effect on how the entire community would be impacted. There was discussion of the entrances on to Rock Barn Road but no discussion of the surrounding developments and the combined traffic that this would bring to Rock Barn Road and the Hwy 16 intersection. Those have already been sited as areas of concern. There is also concern about the Hwy 16 and St. Johns Intersection. She asked for clarification. The lack of clarity involving traffic studies and stats that were previously shared about average household income did not seem promising for our area. A noted concern from Planning Board members was that once rezoning was approved, they would lose control over building restrictions for a development of this size. This also seemed unclear from for Council tonight.

Kevin Hunt of 2955 Palmer Drive asked where the closest park would be. He asked about available services. He requested that Council consider that once they make their decision tonight, they will have no control over the developer. He didn't think it was unreasonable to ask for M/I Homes to memorialize some of these commitments in a rezoning that does allow that discretion from the Council going forward. They understood that development is a reality. We want to invite those things, but it should be in partnership with the Council. It is not unreasonable to ask them if they are truly committed to doing what they said they will do and agree to those commitments in a way that Council can be involved with the decision as far as future matters.

Ben Paysuer of 511 7th St Pl NE asked Council to be patient. It will impact our community in the future. It is a good place to build but make sure to do it right. He spoke briefly about Walmart and about Council's pride in making it fit into the community. Council has to assume the worst case scenarios. He has looked through the subdivision ordinance, and it doesn't have a lot of teeth. Council will lose that control. This is a big decision and if there is work going on now to redefine that subdivision ordinance, be patient and give time to get that ordinance in place. Let national builders know that Conover is different. Where you have the parameters, use them. Make sure we get what we want. That is all anyone is asking. Do it right and get it right.

Bob Choppa stated that he was a firm believer in checks and balances. This is a big decision for Conover. The city is dealing with M/I Homes, and they have attorneys that know what they can and cannot do. Once rezoned, he didn't know if there was any accountability that the city could hold them to. He is for growth. In his opinion, the city should rezone the first part, and see what they are going to do first. Then the city could go back and rezone the second part. If both are rezoned at the same time, M/I Homes is big corporation and their attorneys know exactly what they can and cannot do.

Rex Pruitt of 4162 Holly Circle NE, Conover spoke about him transitioning to the Rock Barn community and previously living in townhomes. Where he previously lived there was crime and the walls were paper thin. He heard someone beating his wife next door and often had to call the cops. The streets were too narrow. He then spoke of the importance of HOAs.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Garrett Osborn of Osborn Realestate Group stated that he was the representative of M/I Homes for this transaction (230 21st Dr NW, Hickory). Going forward, the city will become a reference for M/I Homes and other communities will reach out to the City of Conover asking if M/I did what they said they were going to do. They have to maintain their reputation. They carefully chose M/I Homes. The medium income for homeowners is approximately 33% higher than the medium household income for any particular area.

Kevin Hunt of 2954 Palmer Drive, Conover, NC spoke about the medium income for this area. He asked if the land and road issue for the potential backside of this property into Claremont has been settled. He asked for clarification about the Catawba County schools versus Newton-Conover City Schools districts. Is Mr. Hunsucker's homestead being considered in this, as he thinks about what it represents for the rest of the community. He requested clarification on the relevancy of his commentary about administrative versus legislative. He wanted to know what discretion the Council will have if they approve the proposals. Has the Council actually reached out to other cities for reference and is there any specific commentary on their interaction?

Mr. Schlichting stated that Claremont's Planning Board has reviewed it, but it has not been in front of their Council yet. As for school systems, this side of the road falls into the Catawba County School System. The other side is Newton-Conover. Mr. Hunsucker did not request annexation for the part of the property that he will live on.

If this property is rezoned in the manner that has been requested, then NR zoning allows for single family homes, churches, and schools. You could potentially have lots that are fifty feet wide. They still have to build the roads to the City of Conover's standard. The city has a street spec book. There will be no overnight parking on the street. There are certain uses that are allowed on that property. There is a limit as to how you can do all this.

Attorney Matthews stated that under the current ordinance, the subdivision approval process is primarily administrative, unlike the conditional zoning process. The Planning Director will oversee it and make sure it meets the code. Then, under the current code, it will be brought to Council and Council will confirm that it does meet the code. To the extent the current code allows some subjectivity, that may be removed in future amendments to the code.

Mr. Schlichting stated that when it gets to the point where inspections are needed, the city staff will inspect it or it will go to the city's engineer of record and hire someone with them to do inspections for waterlines, sewerlines, street, sidewalks, curb & gutter, etc. There are multiple different checks and balances in place.

Margie Hicks asked Council why they are in a rush to vote on it today, if they are in the middle of revising something. They voted on the other part, let them do it first. You say it is at the discretion of him [pointed to Planning Director Erik Schlichting]. It sounds like he works for M/I Homes and not the City of Conover. It is all about M/I Homes. If you are revising something, wait. We voted for Council to represent us. Work for us. Work for the City of Conover, not for a company on NASDAQ. Give us a chance to figure it out.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Garrett Osborn stated that the reason it has to be voted on now is that it is actively for sale now. Mr. Hunsucker has expressed interest in selling his property now. Not two years from now. If it is not M/I Homes, it could go to something way worse. He asked that everyone consider what some of the alternatives may be and think more about the long term. This decision may not be here in two or five years.

Mr. Hunsucker stated that he visited a number of communities with M/I and this one stood out. At one point, he tried to talk his wife into building with them. He is getting tired of keeping up with a lot of property. When asked how many chicken houses would fit on that property, he stated that he could potentially build about four on the twenty-three acre lot and on the other side at least eight but he wants to do something that is good for the community. With growth comes grocery stores, etc.

Michael Jarrett of 602 4th Ave NE stated that he appreciated all the care and research that Mr. Hunsucker did. He appreciated him wanting to do right for the community. He also appreciates the Council taking into consideration what the Conover community is. He sees all the development on Hwy 16 and it is disheartening. Conover is a nice community. Even though he works in Charlotte, he doesn't want to move there. He enjoys Conover and wants to maintain this community.

Kevin Hunt of 2954 Palmer Drive, Conover, NC asked about the Council's due diligence in referencing other cities to bringing M/I Homes into the community.

Mr. Hart stated that the city has spoken with other municipalities, but the city also doesn't have the discretion on not working with someone with a bad reputation. That being said, they do not have a bad reputation.

Motion was duly made by Council Member Canrobert, seconded by Council Member Powell, to close the public hearing.

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 12(b): Ordinance 39-24: Zoning Ordinance Amendment

Erik Schlichting, Planning Director presented Ordinance 39-24: Zoning Ordinance Amendment.

Motion was duly made by Mayor Pro Tem / Council Member Eckard, seconded by Council Member Canrobert, to adopt Ordinance 39-24: Zoning Ordinance Amendment and to move to approve zoning request R24-06 for portions of four properties located at 3709 Rock Barn Rd

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

(PIN 375206378536), 3728 Rock Barn Rd (Catawba County PIN 375211558910) 3769 Rock Barn Rd (Catawba County PIN 375206479503) 3223 John Daniel Dr NE (Catawba County PIN 375210364087), finding that the request is reasonable and in the public interest because: 1) the proposed rezoning aligns closely with the Land Development Plan Future Land Use Map which shows both low-to-medium and medium-to-high density residential development in this area, 2) the properties are already served by City water and sewer is within close proximity, 3) the properties along a corridor which other City services, such as sanitation, already operate, and 4) the proposed zoning will provide needed housing opportunities to the community.

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 39-24: Zoning Ordinance Amendment contained in exhibit file called 2024 Ordinances)

CITY OF CONOVER ORDINANCE 39-24 ZONING ORDINANCE AMENDMENT

WHEREAS, M/I Hones of Charlotte submitted rezoning request R24-06 to the City of Conover on June 19th, 2024 to rezone a 160.38 +/- acres, portions of the properties at:
3709 Rock Barn Rd (Catawba County PIN 375206378536) owned by Dan Alan Hunsucker,
3728 Rock Barn Rd (Catawba County PIN 375211558910) owned by Hunsucker Farms, LLC,
3769 Rock Barn Rd (Catawba County PIN 375206479503) owned by Mahoney & Wilcox Revocable Trust,
3223 John Daniel Dr NE (Catawba County PIN 375210364087) owned by Hunsucker Farms LLC, and

WHEREAS, said property was annexed into the City Limits on October 7th, 2024, and

WHEREAS, the request is to rezone of this property, currently zoned Catawba County R-20 (Residential) to Conover NR (Neighborhood Residential), and

WHEREAS, a public hearing on the question of said rezoning was held by the Conover Planning Board after due notice and advertisement thereof, at the regular meeting of September 10th, 2024 during which a statement of consistency with other City of Conover plans was provided, and

WHEREAS, a public hearing on the question of said rezoning was held by the Conover City Council, after due notice and advertisement thereof, at the regular meeting of October 7th, 2024

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

during which a statement of consistency with other City of Conover plans was provided

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 from Catawba County R-20 (Residential) to Conover NR (Neighborhood Residential):

Beginning at a Computed Point (CP) - common corner with PID 375206378536, thence N 6° 34' 29" E 96.94' to a CP (passing a Square Iron @ 60.21') in the center of Rock Barn Road, thence with the center of Rock Barn Road 12 calls: (1) N 44° 00' 32" E 1266.56' to a Mag Nail Set, (2) N 44° 24' 01" E 106.40' to a CP, (3) N 43° 48' 55" E 207.64' to a CP, (4) a curve to the right with an arc length of 104.24' (chord - N 44° 47' 37" E 104.23' and a radius of 3367.65') to a CP, (5) a curve to the right with an arc length of 53.40' (chord - N 47° 04' 53" E 53.40' and a radius of 2881.45') to a CP, (6) a curve to the right with an arc length of 167.01' (chord - N 53° 17' 32" E 166.79' and a radius of 936.00') to a CP, (7) a curve to the right with an arc length of 162.63' (chord - N 62° 43' 19" E 162.45' and a radius of 1012.14') to a CP, (8) a curve to the right with an arc length of 159.64' (chord - N 72° 35' 40" E 159.46' and a radius of 992.19') to a CP, (9) a curve to the right with an arc length of 127.27' (chord - N 82° 39' 20" E 127.07' and a radius of 651.93') to a CP, (10) a curve to the right with an arc length of 80.67' (chord - S 89° 10' 38" E 80.64' and a radius of 773.70') to a CP, (11) a curve to the right with an arc length of 80.96' (chord - S 84° 36' 07" E 80.95' and a radius of 1453.57') to a CP, (12) S 82° 51' 38" E 144.45' to a CP, thence leaving the center of Rock Barn Rd S 25° 59' 08" E 0.46' to a CP, thence with PID 375210466897 4 calls: (1) S 26° 00' 06" E 71.25' to a CP, (2) S 26° 21' 17" E 506.35' to a Pipe Found, (3) N 58° 15' 27" E 66.11' to an Iron Pin Found (IPF), (4) N 25° 43' 23" W 527.20' (passing an Iron Shaft Found @ 499.26') to a CP in the center of Rock Barn Road, thence with the center of Rock Barn Road 27 calls (all to CP's): (1) S 87° 53' 48" E 93.60', (2) N 89° 01' 25" E 61.54', (3) N 85° 47' 28" E 80.90' - common corner with PID 375206479503, (4) N 82° 15' 40" E 81.36', (5) N 80° 33' 09" E 36.47', (6) N 79° 24' 46" E 37.54', (7) N 77° 59' 37" E 39.01', (8) N 76° 34' 34" E 40.62', (9) N 74° 42' 28" E 39.91', (10) N 73° 07' 38" E 26.26', (11) N 72° 34' 03" E 14.29', (12) N 71° 53' 37" E 26.30', (13) N 70° 56' 35" E 11.36', (14) N 69° 50' 13" E 27.20', (15) N 69° 06' 04" E 37.63', (16) N 67° 20' 10" E 44.32', (17) N 65° 08' 06" E 42.02', (18) N 62° 31' 28" E 37.72', (19) N 59° 48' 48" E 43.57', (20) N 57° 11' 21" E 35.60', (21) N 55° 13' 17" E 26.81', (22) N 53° 19' 21" E 36.43', (23) N 51° 32' 50" E 44.53', (24) N 49° 40' 47" E 37.95', (25) N 47° 54' 20" E 38.64', (26) N 45° 47' 56" E 41.13', (27) N 43° 11' 28" E 43.67', thence leaving Rock Barn Rd and with PID 375211577451 3 calls: (1) S 26° 28' 49" E 32.45' to an IPF, (2) S 26° 44' 27" E 262.59', (3) N 57° 44' 47" E 131.98' - common corner with PID 375207578571, thence N 57° 39' 07" E 180.02' to an Axle Found, thence with PID 375207672717 2 calls: (1) N 57° 53' 24" E 121.86' to a Pipe Found, (2) S 40° 49' 41" E 1961.24' to a Square Iron, thence with PID 375212852742 S 40° 58' 43" E 862.78' to an Axle, thence with PID 375212758095 S 58° 22' 13" W 1270.85' to an Iron Found on the Northern R/W of Interstate 40, thence with the R/W of Interstate 40, 5 calls: (1) S 80° 19' 57" W 211.66' to a R/W Monument, (2) S 10° 11' 26" E 34.63' to a R/W Monument, (3) S 80° 28' 42" W 858.85' to a R/W Monument, (4) N 9° 49' 52" W 39.16' to a R/W Monument, (5) S 80° 26' 44" W 250.75' to a CP, thence leaving Interstate 40 with PID 375210364087 (PB 88 Pg 52) 15 calls: (1) N 41° 20' 37" W 394.87' (passing an IPF

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

@ 28.27') to an IPF, (2) N 29° 05' 20" W 269.87' to an IPF, (3) N 30° 03' 50" W 59.97' to an IPF, (4) N 29° 04' 20" W 285.96' to an IPF, (5) N 39° 28' 29" W 384.84' to an IPF, (6) N 32° 37' 09" W 461.65' to an IPF, (7) N 27° 58' 46" W 60.17' to an IPF, (8) N 25° 03' 14" W 415.66' to an IPF, (9) N 20° 58' 00" W 368.14' to an IPF, (10) N 12° 30' 41" W 249.90' to an IPF, (11) N 19° 10' 59" W 107.93' to a CP, (12) a curve to the left with an arc length of 236.81' (chord - S 69° 53' 55" W 235.78' and a radius of 730.45') to a CP, (13) S 59° 07' 03" W 116.50' to a CP, (14) a curve to the left with an arc length of 210.57' (chord - S 49° 50' 09" W 209.99' and a radius of 818.95') to a CP, (15) S 44° 00' 32" W 1712.87' to the Point of Beginning, containing 160.38 Acres.

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 directed to make change on the Future Land Use Map in the Land Development Plan as herein provided.

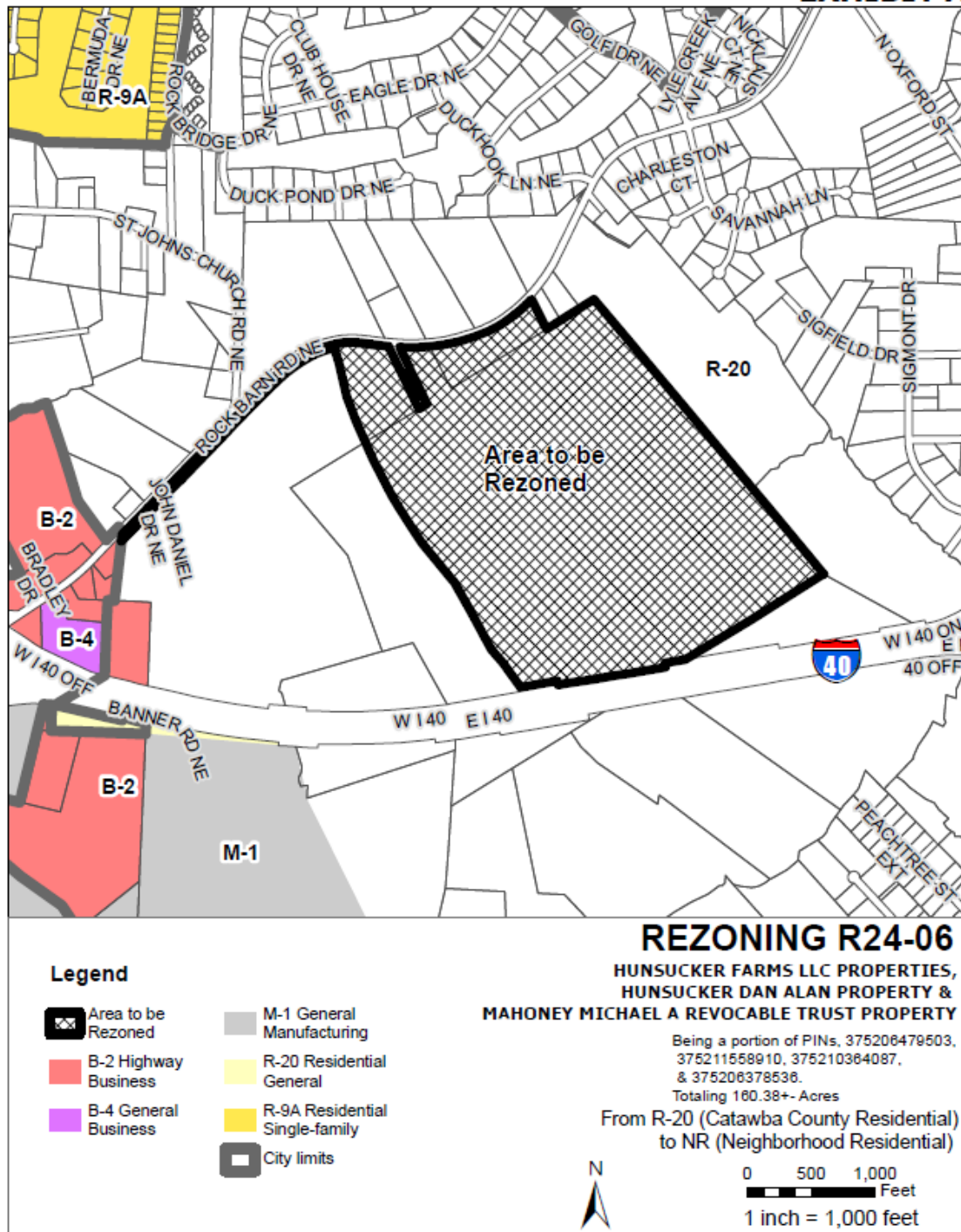
Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from its passage.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Adopted this 7th day of October, 2024.

EXHIBIT A



Item 13: Committee Reports

Members of Council gave their committee reports.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Item 14: City Manager's Report

BUILDING PERMITS: The City issued nineteen (19) building permits during the month of September 2024, totaling \$4,256,560. Included were thirteen (13) residential, four (4) commercial, and two (2) industrial.

NATIONAL NIGHT OUT (FOLLOW-UP): Police Chief Houston stated that National Night Out was a primarily donation-funded event. Due to Hurricane Helene, the difficult decision was made to cancel the event. Vendors were given the opportunity to receive a full refund for their donations, donations could go toward next year's event or to donate funds toward the United Way Hurricane Helene relief efforts. All but one vendor agreed to donate the funds to United Way. Chief Houston recognized all donors for their contribution: Alarm South, Bennett's Funeral Home, Bowman Drug, Cargo Transporters, Conover Hardware, Emmanuel Baptist Church, Hair Connection, Jason Herman's Nationwide Insurance, People's Bank, Matthews Construction, Susan Matthews, Village Motors, and Willis-Reynolds Funeral Home.

HURRICANE HELENE: City Manager Hart informed Council of the City's status in regard to clean-up after Hurricane Helene. The city is trying to do what it can and a lot of the regional stuff has been running through Hickory and Conover. City staff have made plans to travel to other more affected communities to offer assistance where needed in the near future and shall continue to offer long term support.

UPCOMING EVENTS

THIS MONTH:

- **UDO ACADEMY:** Tuesday, October 8, 2024 at 5:00 P.M.
- **STRATEGIC PLAN MEETING:** Tuesday, October 15th at 3:00PM
- **MAYORS/CHAIRS/MANAGERS MEETING:** Thursday, October 17th at 6:00PM
- **DOCUMENT SHREDDING EVENT:** Thursday, October 24th from 1:00PM until 4:00PM (or until truck is full)

FUTURE EVENTS:

- **FARMER'S MARKET HOLIDAY MARKET:** Saturday, November 23rd at Conover Post Office
- **CHRISTMAS COMES TO CONOVER:** Saturday, November 23rd

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:42 p.m.

MINUTES FROM THE OCTOBER 7, 2024 CONOVER CITY COUNCIL REGULAR MEETING

Kyle J. Hayman, Mayor

Stephanie C. Watson, City Clerk