



Life. Well Crafted.

**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

**ACTION AGENDA**

Hickory City Council  
76 North Center Street

March 6, 2018  
7:00 p.m.

- I. Call to Order
- II. Invocation by Pastor Jay Robison, Viewmont Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - NA** A. Proclamation for the 40<sup>th</sup> Anniversary of Hickory Choral Society. **(Exhibit IV.A.)**
  - NA** B. Recognition of Elaine Seaver for her Service to the Public as a Bus Driver.
  - NA** C. Alex Cordora, Hickory Day School, Presentation of a Littering Project.
  - NA** D. Presentation of the Distinguished Budget Award for the Fiscal Year Beginning July 1, 2017. This is the twenty-third consecutive year the City has received this recognition. **(Exhibit IV.D.)**
  - NA** E. Presentation of FY 2018-2019 Board and Commission Work Plans. Presenters will be allotted five (5) minutes to make their presentations to Council. **(Exhibit IV.E.)**

Board/Commission	Presenter
Business Development Committee	Ed Henson
Citizens' Advisory Committee	Cliff Moone
Community Appearance Commission	Charlie Hayes or Cal Overby
Community Relations Council	Clise Plant
Hickory International Council	Aaron Kohrs
Hickory Regional Planning Commission	Brian Frazier or Cal Overby
Hickory Youth Council	Chase del Charco
Historic Preservation Commission	Jody Blake
Library Advisory Board	Rick Martin
Parks and Recreation Commission	Lloyd Coley
Public Art Commission	Todd Hefner
Recycling Advisory Board	Jeff Enders
University City Commission	Mary Margaret Baker

- V. Persons Requesting to Be Heard
  - A. Ms. Michelle Mathis, 1223 1<sup>st</sup> Avenue NW, Hickory addressed City Council on public funding for syringe exchange.
- VI. Approval of Minutes
  - A** A. Regular Meeting of February 20, 2018. **(Exhibit VI.A.)**

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- A B. Special Meeting of February 20, 2018. **(Exhibit VI.B.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
  - A2 A. Approval of a Five Year Master Contract with Talbert, Bright & Ellington for Professional Engineering and Planning Services. **(First Reading Vote: Unanimous)**
  - A2 B. Approval of the Work Authorization with Talbert, Bright & Ellington, Inc. Regarding Grant 36244.33.12.1 in the Amount of \$79,843.89. **(First Reading Vote: Unanimous)**
  - A2 C. Budget Revision Number 15. **(First Reading Vote: Unanimous)**
- VIII. 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 Item IX.
  - A A. Special Events Activities Application for Young Life Glow Run 5K, Jason Workman, Staff Associate, Catawba Valley Young Life, April 21, 2018, 6:00 p.m. to 11:00 p.m. at Hickory Regional Airport. **(Exhibit VIII.A.)**
  - A1 B. Approval of the North Carolina Department of Transportation Utility Construction Agreement in the Amount \$544,741.25 for the Construction and Relocation of Water and Sanitary Sewer Infrastructure Related to the Sweetwater Road Extension. **(Exhibit VIII.B.)**

Staff requests Council's approval and acceptance of the NCDOT Utility Construction Agreement for the construction/relocation of water and sanitary sewer infrastructure related to NCDOT project U-5510, Sweetwater Road Extension in the amount of \$544,741.25. Sweetwater Road Extension project is for the construction of a road extending across Catawba Valley Community College property on the east side from Highway 70, at the intersection of Sweetwater Road, to Startown Road, at the intersection of Robinwood Road. This project will provide an integral option for relief of some congestion at the Startown Road, Hwy 70 intersection for vehicles traveling north and south along Startown Road. During design of the road project, Public Utilities Division staff worked with NCDOT engineers to design a waterline for the length of this new road segment to ensure water and sewer service could be provided to all properties that would develop along this road immediately or in the future. The waterline will also provide another level of redundancy for water provision to other parts of the system as necessary during emergencies. This agreement is a standard Utility Construction Agreement that allows for infrastructure to be owned by the City to be constructed as a component of the NCDOT project. The estimated cost of construction is \$544,741.25, however the actual cost will be determined by installed quantities. The Public Utilities Division has included this construction as a component of the FY 18-19 Capital Budget. Staff recommends Council's approval and acceptance of the NCDOT Utility Construction Agreement for the construction/relocation of water and sanitary sewer infrastructure related to NCDOT project U-5510, Sweetwater Road Extension in the amount of \$544,741.25.

- A1 C. Approval to Renew the Annual Auditing Contract with Martin Starnes & Associates for Fiscal Year Ending June 30, 2018. **(Exhibit VIII.C.)**

*Staff requests approval to accept the renewal of the annual contract for auditing services with Martin Starnes & Associates for fiscal year ending June 30, 2018. Martin Starnes & Associates was established in 1987 and has continued to grow with offices in Hickory and Taylorsville. Their Hickory office offers a convenient location for City of Hickory staff to work with MSA accounting personnel. Martin Starnes & Associates sponsors a variety*

of North Carolina Government Finance Officer Events throughout the State and has become a leader in their work with local governments. The City of Hickory has utilized the services of Martin Starnes & Associates for the past several years with excellent results. Since fiscal year 2012, Martin Starnes & Associates has also been contracted to produce the City's Comprehensive Annual Financial Report. The North Carolina Local Government Commission (LGC) does not enforce formal bid requirements for auditing services due to the professional relationship formed between auditors and clients over an extended work history. The Secretary of the Local Government Commission approves all local government contracts and invoices for audit or audit-related work. The LGC requires approval of the auditing contract on an annual basis. In 2016, the City of Hickory approved a three-year renewal contract with Martin Starnes & Associates. The annual renewal ending June 30, 2018 will be the final year of this contract with audit fees of \$57,675. Staff recommends approval to renew the annual auditing contract with Martin Starnes & Associates for fiscal year ending June 30, 2018.

**A1 D. Approval to Amend the Parking Ordinance for the Farmer's Market. (Exhibit VIII.D.)**

Staff requests Council's approval to change the Farmer's Market "No Parking" hours to Wednesdays 8:00 a.m. to 4:00 p.m. and Saturdays 6:00 a.m. to 2:00 p.m. from April 21, 2018 through November 24, 2018 (excluding Saturday, October 13, 2018) for the spaces south of Union Square on the north side of the parking lot road connecting the east and west parking lots and the first three angled parking spaces in the west parking lot. The Farmer's Market at the Sails on Union Square is an annual event from April to November with Wednesday and Saturday times scheduled. The Farmer's Market hours have changed this year and necessitate a change in dates and hours related to a No Parking Ordinance. Traffic Division staff reviewed the request and feel it is appropriate. Sign modification requested is manageable with internal forces and will not create a problem with implementation. Towing will be enforced during these times. Staff recommends Council's approval to change the Farmer's Market "No Parking" hours to Wednesdays 8:00 a.m. to 4:00 p.m. and Saturdays 6:00 a.m. to 2:00 p.m. from April 21, 2018 through November 24, 2018 (excluding Saturday, October 13, 2018) for the spaces south of Union Square on the north side of the parking lot road connecting the east and west parking lots and the first three angled parking spaces in the west parking lot.

**A E. Approval to Close the Patrick Beaver Memorial Library and the Ridgeview Branch Library on Friday, May 11, 2018 from 9:00 a.m. to 5:00 p.m. to Allow Time for All Library Employees to Participate in Staff Training. (Exhibit VIII.E.)**

All Public library staff, both full-time and part-time, regularly interact with the public and, to provide the best possible customer service, it is necessary to periodically provide training opportunities in which all staff participate at the same time. This year they will receive training to allow staff to provide excellent service to our diverse community, better use new technology resources and to prepare for summer learning programs for all ages. Customer service training specific to each library department will be included. This training gives staff the opportunity to participate in staff development training to re-energize, acquire new skills, and improve their ability to work together as a team. To allow all coworkers to participate, it is necessary to schedule the training during a workday. Staff determined that Friday, May 11 is a date that would create as little disruption as possible in service to the public. Staff recommends the Patrick Beaver Memorial Library and the Ridgeview Branch Library be closed on Friday, May 11, 2018 from 9:00 a.m. to 5:00 p.m. to allow time for all library employees to participate in staff training.

**A F. Approval to Issue a Pyrotechnic Display Permit to Hickory Crawdads. (Exhibit VIII.F.)**

Mark Seaman, General Manager of the Hickory Crawdads has submitted a request to obtain permission to have a public fireworks display on April 13, April 27, May 11, May 25, June 8, June 22, July 3, July 13, July 20, August 10, August 24, and August 31, 2018; Rain Dates: April 14, April 28, May 12, May 26, June 9, June 23, July 4, July 21, August 11, August 25, and September 1, 2018.

*The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Bureau shall review all required documentation for the events. The Fire Prevention Bureau will also inspect the pyrotechnics display area prior to the events to ensure compliance with all guidelines and codes. Staff recommends approval of the pyrotechnics displays.*

- A**      **G.**      Approval of the Recommendation of the Citizens' Advisory Committee for Restructuring of a Housing Rehabilitation Loan for Margarite Surratt. **(Exhibit VIII.G.)**

*The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all of its citizens to obtain decent housing and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following request was considered by the Citizens' Advisory Committee at their regular meeting on March 1, 2018: Margarite Surratt, in conjunction with the Western Piedmont Council of Governments, has requested a restructuring of her loan with the City of Hickory. Due to a loss of income, Ms. Surratt has fallen behind on her payments to the City of Hickory on her housing rehabilitation loan. She is also behind on her first mortgage payments. The Western Piedmont Council of Governments is working with her on foreclosure prevention assistance. In order for her to qualify for the assistance on her first mortgage, the second mortgage must be restructured. The program requires that the loan be refinanced into a new five year loan. The payments on the refinanced loan would remain within approximately five dollars per month of her current payments. However, her first mortgage payments would drop by more than \$500 per month. The Citizens' Advisory Committee recommends approval of the restructuring of Margarite Surratt's housing rehabilitation loan.*

- A/PH**      **H.**      Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along a Portion of the Property Located at Hathaway Drive NE, Hickory, Petition No. 18-01. **(Authorize Public Hearing for April 3, 2018 at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).** **(Exhibit VIII.H.)**

- A**      **I.**      Budget Revision Number 16. **(Exhibit VIII.I.)**

1.      *To recognize as revenue \$311 in donations received from Chipotle Mexican Grill for the "Chipotle Night" Rudy Project fundraiser held on January 29, 2018. Beneficiary of these funds is Habitat for Humanity.*
2.      *To recognize \$8,950 in sponsorship funds received for the 2018 Senior Games.*
3.      *To provide funding in the amount of \$79,844 for professional engineering services at the Airport by Talbert, Bright, & Ellington, Inc. Work authorization is under NCDOT-DOA Grant 36244.33.12.1 for the design and bidding phase of Transportation Capital Project #650027 "Runway 6-24 Obstruction Removal Project." Under this grant, the State's share is 90 percent (\$71,859) and the City's 10 percent (\$7,985).*
4.      *To adjust the Falling Creek Road Bridge Capital Project Ordinance to account for the supplemental agreement outlining changes required to the vertical concrete barrier walls of both sides of the new bridge. Total cost is \$46,800; NCDOT will pay 80 percent of this amount (\$37,440) with the City of Hickory contributing 20 percent (\$9,360). The City's portion is being covered with surplus funds remaining in the Project's engineering line-item.*

**IX.**      Items Removed from Consent Agenda

**X.**      Informational Item

**XI.**      New Business:

- A. Public Hearings
- B. Departmental Reports:
  - A 1. Presentation of the City Walk Recommendations from the Bond Implementation Commission, Presented by Freese and Nichols, Inc., Morgan McIlwain, Program Management.
  - A1 2. Opioid Litigation Presentation by City Attorney John Crone. **(Exhibit XI.B.2)**
  - D 3. Consideration of Alderman for Ward 2.
  - NA 4. Appointments to Boards and Commissions

**BOND IMPLEMENTATION COMMISSION**

(Terms Expiring 2-1; 3 Year Terms) (Appointed by City Council)

Alderman Ward 2 Appoints

Jennifer Beane expires 2-1-18 eligible for reappointment  
 Kay Schmucker expires 2-1-18 eligible for reappointment

(Note: The representatives for Ward 2 will continue serving until such time as the Ward 2 Alderman appoints or reappoints these positions.)

***Ex-Officio Members to Bond Implementation Commission  
 (Appointed by Boards and Commissions)***

Business Development Committee

**Dana Chambers Not Eligible**

Catawba County Chamber of Commerce

**Will Locke Not Eligible**

Community Appearance Commission Appointed Meg Nealon

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
 Ward 2 (Alderman Ward 2 Appoints)

VACANT

**COMMUNITY RELATIONS COUNCIL**

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

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)

(Appointed by City Council)

Burke County (Mayor Appoints)

VACANT

**HISTORIC PRESERVATION COMMISSION**

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

Building Trades Profession (Council Appoints)

VACANT

**INTERNATIONAL COUNCIL**

(Appointed by Mayor with the Concurrence of City Council)

(1) Positions

VACANT

**PARKS AND RECREATION COMMISSION**

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

At-Large Minority (1) (Council Appoints)

VACANT

(David Williams no longer eligible)

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (Williams Appoints)

VACANT

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)  
Position 9

VACANT

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 4 (Williams Appoints)

VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)  
Challenger High School Representative  
Homeschool Representative  
St. Stephens High School Representative

VACANT

VACANT

VACANT

C. Presentation of Petitions and Requests

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

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

Alderwoman Patton mentioned the forum on homelessness that was held on March 5<sup>th</sup> was excellent with all of the participants in it. It was good crowd and lots of good questions. She appreciated Chief Whisnant and commended everyone for a great job. She hopes people will come back together for further discussion.

Alderman Seaver advised he was there as well and appreciated all of the people who showed up. There were a couple hundred at least, just about every seat was taken.

Alderman Lail commented that he wasn't able to be there. He asked if the opioid crisis was intermingled into part of that discussion.

Alderwoman Patton advised very little because it was more in general urban camping.

Mayor Guess mentioned there was a second meeting after that at Mt. Olive Lutheran Church that specifically dealt with opioids. The discussion there lasted about two hours. There was a separate community public forum concerning that.

Alderman Seaver commented he would like another forum. He had gotten some replies as he had posted it on a Facebook page that some of the younger folks that were working couldn't attend and they would like to have some input on it too. Something like that in the future. He thought that it was a very good step trying to get people all on the same team.

XIV. Adjournment

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

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

**The City of Hickory holds all public meetings in accessible rooms.  
Special requests for accommodation should be submitted by individuals  
with disabilities at least 48 hours before the scheduled meeting.  
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