



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

May 2, 2017
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. Paul Christy, First United Methodist Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Recognition of Newly-Appointed Public Services Director Kevin Greer

City Manager Warren Wood recognized and shared information about the City's newly-appointed Public Services Director Kevin Greer.
 - NA** B. Proclamation for National American Public Works Week, May 14-20, 2017. **(Exhibit IV.B.)**

Mayor Wright read and presented a Proclamation for National American Public Works Week, May 14-20, 2017 to Public Services Director, Kevin Greer.
 - NA** C. Presentation of a Proclamation for National Police Week May 15-21, 2017 **(Exhibit IV.C.)**

Alderwoman Patton read and presented a Proclamation for National Police Week, May 14-20, 2017 to Chief Thurman Whisnant and Deputy Chief Reed Baer.
 - NA** D. Presentation of a Proclamation for Building Safety Month, May 2017 **(Exhibit IV.D.)**

Alderman Guess read and presented a Proclamation for Building Safety Month, May 2017, to a representative from Code Enforcement and Matthew Hutchinson from Fire Prevention.
- V. Persons Requesting to Be Heard
 - A. Mr. David Crosby, 731 10th Street Drive NW, Hickory, discussed mobile food vendors.
 - B. Mr. Ryan Edwards, 946 44th Avenue Court NE, Hickory, discussed mobile food vendors and economic development.
 - C. Ms. Daria Jackson, 975 9th Street Drive NE, Hickory, discussed the speed bump in front of the Brian Center in Viewmont and the danger of pulling out into the road in that area.
 - D. Ms. Meredith Ross, 550 11th Avenue Circle NW, Hickory, discussed food trucks and millennials.
- VI. Approval of Minutes

May 2, 2017

- A A. Regular Meeting of April 18, 2017 **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2 A. Approval of Sponsorship Agreements for the Presenting, Premiere, and General Sponsors for the Friday Night Sails Original Music Series, May, June, and September, 2017. **(First Reading Vote: Unanimous)**
- A2 B. Approval of the Contract to Wilkie Construction Company SE, LLC in the Amount of \$48,686 for Improvements to West Hickory Park. **(First Reading Vote: Unanimous)**
- A2 C. Approval of Task Order Three to the Engineering Services Agreement with McGill Associates, P.A. in the Amount of \$28,900 for Eastwood, Random Woods, and Sherwood Forest Subdivisions Sanitary Sewer Project. **(First Reading Vote: Unanimous)**
- A2 D. Approval of the Change Order to the Contract for Design Services with AMEC Foster Wheeler in the Amount of \$5,000 for Design Modification to the US 70/US 321 Interchange. **(First Reading Vote: Unanimous)**
- A2 E. Budget Revision Number 22. **(First Reading Vote: Unanimous)**
- A2 F. Acceptance of the Bids and Award of the Contract to Eastern Structures, LLC in the Amount of \$1,258,867.94. **(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. Proclamation for Tourism Month. **(Exhibit VIII.A.)**
- A B. Special Events Activities Application Trick or Trot 5K, Kyle Mishler, Recreation Programmer, Hickory Parks and Recreation Department, October 7, 2017, 7:00 a.m. to 1:00 p.m., 1451 8th Street Drive NE, (Stanford Park). **(Exhibit VIII.B.)**
- A C. Special Events Activities Application Foster Parent Appreciation Day, Megan Burns, Foster Parent Recruiter and Trainer, Catawba Social Services, L.P. Frans Stadium, 2500 Clement Boulevard, May 6, 2017, 3:00 p.m. to 8:00 p.m. **(Exhibit VIII.C.)**
- A D. Request from Hickory Police Department to Award Police Badge and Service Weapon to Retiring MPO Mike Sherrill. **(Exhibit VIII.D.)**
- By authority of NC General Statute §20-187.2, City Council may award the service weapon (Glock Model 17-Serial #UHF186) and police badge to retiring MPO Mike Sherrill upon his retirement from Hickory Police Department on May 31, 2017 after completing over 15 years of qualifying service with Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory.*
- A E. Adoption of a Purchasing Policy Statement and Procurement Procedures Manual. **(Exhibit VIII.E.)**
- The Federal Uniform Guidance controls and OMB Circular 133 for projects using Federal grants have updated compliance procedures. One of these updates requires an entity to have an adopted policy for guidance on purchasing and procurement. To be in compliance when contracting projects using Federal funding, the Federal Uniform Guidance controls require an entity to have a board adopted Purchasing Policy. This is*

not a North Carolina State law, however, the City's external auditor, Martin Starnes, has recommended that the Purchasing Policy be presented to Council for adoption. Staff recommends Council adopt the Purchasing Policy and Procurement Manual.

PH F. Call for a Public Hearing – to Consider Vacant Building Revitalization Grant Performance Agreement with MDI Management, LLC in the Amount of \$20,000 for Rehabilitation to the Building Located at 521 Main Avenue SW. **(Authorize Public Hearing for May 16, 2017, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.F.)**

A1 G. Approval of the Microenterprise Grant Agreement with Atreem, LLC. **(Exhibit VIII.G.)**

In the City's 2015-2019 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing entrepreneurship opportunities as a high priority need. This led to the creation of a program to provide microenterprise grants to businesses looking for funding necessary to take their business to the next level. The 2015-2016 Community Development Block Grant (CDBG) Annual Action Plan has \$10,000 allocated towards assistance for entrepreneurial activities. According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assets, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants are required to submit a business plan and have a counseling session with a local business support organization. Michael Gallagher has applied for a Microenterprise Grant to support and enhance his business, Atreem, LLC. The business designs and fabricates wood products. They currently offer small batch production parts along with custom furniture. The Business Development Committee reviewed the application and recommends approval of the grant in the amount of \$4,000. The grant funds will be to purchase business equipment and upgrade the business's website. Staff recommends that City Council approve the Microenterprise Grant agreement with Atreem, LLC.

A1 H. Budget Revision Number 23. **(Exhibit VIII.H.)**

1. *To recognize a \$100 donation in honor of Mary Ellen Snodgrass to be used for the purchase of books and a \$100 donation by the Hickory Woman's Club for adult programming at the Library.*
2. *To recognize receipt of \$1,750 in sponsorship monies for the 2017 Senior Games.*
3. *To recognize receipt of \$6,235 in registration fees for the 2017 Senior Games.*
4. *To recognize a \$2,500 insurance claim payment received for damage to a Solid Waste trailer. On March 9th 2017, after emptying a load at the landfill, the rear doors were closed and the ram inside trailer that ejects the garbage when emptying was engaged instead of returning it to its home position, pushing against the closed doors.*
5. *To recognize a \$62,500 payment received from NCDOT towards the US Hwy 70 sinkhole repair project.*
6. *To close out the TDA Parking Deck capital project #700009 and return \$468 to the General Fund.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

- D** 1. Consideration of Guidelines to Allow Permitted Mobile Food Vendors to Operate in Certain City of Hickory Parks. **(Exhibit XI.B.1.)**

Staff has worked to develop a policy that would allow permitted mobile food vendors to operate in certain City of Hickory parks. The following definitions of mobile food vendors have been established: 1) Pushcart – a wheeled cart which may be moved by one person without the assistance of a motor and which is designed and used for displaying, keeping or storing any food, beverages or other articles for sale by a vendor; 2) Motorized Mobile Food Unit – a vehicle mounted, vehicle towed or vehicle carried food service establishment, including ice cream trucks, designed to be readily moved; 3) Mobile Food Vendor – a person (or persons) who prepares or serves pre-packaged or cooked food and/or beverages for sale to the public on a recurring basis from a motorized mobile food unit or a pushcart. Permitted mobile food vendors will be allowed to operate in the following six (6) parks – Glenn C. Hilton, Jr. Memorial Park, Henry Fork River Regional Park, Kiwanis Park, Neill W. Clark, Jr. Park, Stanford Park and Taft Broome Park. Allocation of park locations is on a first come-first served basis, with a limit of two vendors per park. Mobile food vendors may operate from thirty minutes after the park opens and must be removed thirty minutes prior to the park closing. A permit application and \$500 annual fee is required for each mobile food unit per location. A permit application and \$300 annual fee is required for each pushcart per location. Applications and fees will be submitted to the Planning Department who will render a decision as to approval or denial within ten business days. Permits issued will be valid for a one year period, with the effective date being the date the Planning Director or his designee approves the application and receives payment. The Parks and Recreation Commission, at its April 11, 2017 meeting, endorsed the mobile food vendor guidelines and has recommended its consideration and approval by City Council. Staff recommends approval of the guidelines to allow permitted mobile food vendors to operate in certain City of Hickory parks.

- NA** 2. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

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

VACANT

COMMUNITY RELATIONS COUNCIL

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

VACANT

VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)
(Appointed by City Council)
Burke County (Mayor to Nominate)

VACANT

INTERNATIONAL COUNCIL

(Appointed by Mayor with the Concurrence of City Council)
(2) Positions

VACANT

LIBRARY ADVISORY BOARD

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

VACANT

Ward 4 (Guess Appoints)

VACANT

At-Large (Council Appoints)

VACANT

At-Large (Council Appoints)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

St. Stephens High School Representatives

1 Position VACANT

At-Large Representatives

1 Position VACANT

Challenger High School Representative

1 Position VACANT

C. Presentation of Petitions and Requests

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

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

XIV. Closed Session Per NC General Statutes 143-318.11(a)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. *Discussion of Pending Litigation –17CVS1121 L.D. Austin & James D. Grogan vs City of Hickory, et. al. NCGS §143-318.11(a)(3).*

XV. Adjournment

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

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

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