



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 7, 2023
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Antonio Logan, Friendship Missionary Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of February 21, 2023. **(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. Budget Revision Number 16. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A** A. Approval to Renew the Annual Contract for Auditing Services with Martin Starnes & Associates for Fiscal Year Ending June 30, 2023. **(Exhibit VIII.A.)**

Staff requests approval to renew the annual contract for auditing services with Martin Starnes & Associates for fiscal year ending June 30, 2023. The City of Hickory has utilized the services of Martin Starnes & Associates for the past twelve years with excellent results. Since fiscal year 2012, Martin Starnes & Associates has also been contracted to produce the City's Annual Comprehensive 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 2022, the City of Hickory approved a three-year renewal contract with Martin Starnes & Associates. The annual renewal ending June 30, 2023 will be the second year of this contract with audit fees of \$67,410. Staff recommends approval to renew the annual auditing contract with Martin Starnes & Associates for fiscal year ending June 30, 2023.
- A** B. Approval of a Contract with NC Department of Commerce to Disburse \$83,254 for the NC Commerce Motorsports Grant (NC Grant ID MGF-018). **(Exhibit VIII.B.)**

Staff requests approval of a contract with NC Department of Commerce to disburse grant funds to the City of Hickory in the amount of \$83,254 for improvements to the Hickory Motor Speedway. Legislation was passed in 2021 that requires local governments to oversee and administer NC Commerce Motorsports Grants for motorsports venues within their jurisdictions. The City of Hickory is responsible for overseeing the grants for the Hickory Motor Speedway and is contracting with the Western Piedmont Council of Government to administer the grants. The City of Hickory is being awarded \$83,254 from the NC Department of Commerce. The funds will be used for restroom renovations at the speedway. While the City of Hickory will put the project out to bid and pay the project invoices on behalf of the Hickory Motor Speedway, the reporting requirements and other administrative duties will be handled by the Western Piedmont Council of Governments. Staff recommends approval of the contract with NC Department of Commerce to disburse \$83,254 to the City of Hickory for the NC Commerce Motorsports Grant.

- A** **C.** Approval of the Contract with NC Department of Commerce to Disburse \$485,000 for the NC Commerce Motorsports Grant (NC Grant ID MGF-005). **(Exhibit VIII.C.)**

Staff requests approval of a contract with NC Department of Commerce to disburse grant funds to the City of Hickory in the amount of \$485,000 for improvements to the Hickory Motor Speedway. Legislation was passed in 2021 that requires local governments to oversee and administer NC Commerce Motorsports Grants for motorsports venues within their jurisdictions. The City of Hickory is responsible for overseeing the grants for the Hickory Motor Speedway and is contracting with the Western Piedmont Council of Government to administer the grants. The City of Hickory is being awarded \$485,000 from the NC Department of Commerce. The funds will be used for a resurfacing project at the speedway. While the City of Hickory will put the project out to bid and pay the project invoices on behalf of the Hickory Motor Speedway, the reporting requirements and other administrative duties will be handled by the Western Piedmont Council of Governments. Staff recommends approval of the contract with NC Department of Commerce to disburse \$485,000 to the City of Hickory for the NC Commerce Motorsports Grant.

- A** **D.** Approval of the Agreement with North Carolina Department of Transportation (NCDOT) for Snow and Ice Removal to be Upheld by Public Services. **(Exhibit VIII.D.)**

Staff request Council's approval of the agreement with North Carolina Department of Transportation (NCDOT) for snow and ice removal to be upheld by Public Services. The City of Hickory performs winter weather maintenance on NCDOT roadways within the City limits including but not limited to snow and ice removal. NCDOT reimburses the City for this maintenance based upon costs incurred by the City for labor, equipment, and materials. The reimbursement is for a maximum of \$50,000 per year. This agreement is for one-year and eligible for automatic renewal every year for five years. After the end of five years, the contract would be reevaluated and renewed. Detailed records are kept and submitted to NCDOT at the end of the quarter when work is performed. It is through these reports that reimbursement is issued. Without renewal of the snow and ice removal agreement, the City would have to wait for NCDOT to clear their roadways within the City, thus causing delays in getting roads, schools, and businesses back open during winter weather events. Staff recommends Council's approval of the agreement with NCDOT for snow and ice removal to be upheld by Public Services.

- A** **E.** Approval of the Issuance of a Pyrotechnic Display Permit to Pyro Shows, Inc. for Fireworks Displays at the Hickory Crawdads Stadium. **(Exhibit VIII.E.)**

Staff requests approval to issue a pyrotechnic display permit to Pyro Shows Inc. for fireworks displays at the Hickory Crawdads stadium. Douglas Locascio, General Manager of the Hickory Crawdads has submitted a request to obtain permission to conduct public fireworks displays on the following dates: April 7, 2023; April 21, 2023; May 5, 2023; May 19, 2023; May 26, 2023; May, 28, 2023; June 16, 2023; June 30, 2023; July 2, 2023; July 14, 2023; July 28, 2023; August 18, 2023; August 25, 2023; and September , 2023. The following would be rain dates: April 8, 2023; April 22, 2023; May 6, 2023; May 20, 2023; May 27, 2023; June 17, 2023; July 1, 2023; July 3, 2023; July 15, 2023; July 29, 2023;

August 19, 2023; August 26, 2023; and September 9, 2023. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the above pyrotechnics displays.

- A F. Approval of a Resolution Accepting the Offer from PJ Funding for the Sale of City-Owned Property Located at 116 7th Avenue SE and Authorize Staff to Advertise for Upset Bids. **(Exhibit VIII.F.)**

Approve the sale of City-owned property located at 116 7th Avenue SE (PIN:370211665518). This .28-acre parcel was deeded to the City in 2005 through a Sheriff's Deed and foreclosure auction. PJ Funding is a local company interested in purchasing this vacant lot and has future plans for possible housing on the parcel. PJ Funding has approached the City with an offer to purchase the lot. This parcel is not currently slated for any future development by the City and is therefore available for purchase through the upset bid process. PJ Funding has offered \$6,400 for the property which is current tax value for the parcel. Given the fact that the City has no future development plans, selling this lot to PJ Funding would be beneficial to both the City and possibly future homeowners. The upset bid process will allow any other interested party to bid on the property. Staff recommends City Council adopt a resolution accepting the offer from PJ Funding for the sale of Parcel ID 370211665518 located at 116 7th Avenue SE and authorize staff to advertise for upset bids.

- A1 G. Budget Revision Number 17. **(Exhibit VIII.G.)**

1. To appropriate \$20 from a donation to Patrick Beaver Library towards Departmental Supplies.
2. To appropriate \$20,015 from the sale of a vehicle to the Landscape Division.
3. To appropriate \$48,530 from Department of Treasury asset forfeiture funds to cover the cost of two canines, registration for the canine course, and six weeks lodging for two handlers.
4. To appropriate \$120 from a donation to Patrick Beaver Library towards new books.
5. To appropriate \$140,000 to cover the cost of city hall external and internal improvements. \$40,000 will be reimbursed by Summit while the remaining \$100,000 will come from Contingency.

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports

- NA 1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Council Appoints) (Clise Plant Resigned 2-27-2023)

VACANT

COMMUNITY APPEARANCE COMMISSION

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

At-Large (Outside City but within HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
African American (Council Appoints) (Nathaniel Holmes Resigned) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Differently Abled (Council Appoints) VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)
Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) (Laurie Childres Resigned 3-2-23) VACANT
Ward 4 (Freeman Appoints) VACANT

RECYCLING ADVISORY BOARD

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

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)
 - 1. *Approval of Closed Session Minutes of January 17, and January 25, 2023 - NCGS §143-318.11(a)(1)*
 - 2. *Discussion of Pending Litigation - 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**