

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, March 7, 2023, at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	Anthony Freeman
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- 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. Regular Meeting of February 21, 2023

Alderman Seaver moved, seconded by Alderwoman Williams that the Regular Meeting Minutes of February 21, 2023 be approved. The motion carried unanimously.

- 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.

Alderwoman Patton moved, seconded by Alderwoman Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

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.

Alderwoman Patton moved, seconded by Alderman Zagaroli approval of the Consent Agenda. The motion carried unanimously.

A. Approved the Renewal of the Annual Contract for Auditing Services with Martin Starnes & Associates for Fiscal Year Ending June 30, 2023.

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.

B. Approved the Contract with NC Department of Commerce to Disburse \$83,254 for the NC Commerce Motorsports Grant (NC Grant ID MGF-018).

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.

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

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.

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

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.

- E. Approved the Issuance of a Pyrotechnic Display Permit to Pyro Shows, Inc. for Fireworks Displays at the Hickory Crawdads Stadium.

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.

- F. Approved 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.

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.

RESOLUTION NO. 23-10

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN PROPERTY

WHEREAS, City Council of the City of Hickory desires to dispose of certain surplus properties of the City of Hickory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The following described property is hereby declared to be surplus to the needs of the City of Hickory:

Vacant lot located at 116 7th Avenue SE, Hickory, North Carolina, containing approximately .28-acres, identified as PIN 3702-11-66-5518, described in the document recorded in Book 2681 at Page 0514, Catawba County Registry.
2. City Council has received an offer to purchase for the sum of \$6,400 for the property located at 116 7th Avenue SE, Hickory, North Carolina. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check.
3. City Council proposes to accept the offer unless a qualifying upset bid shall be made.
4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
5. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check. In addition, the bid must raise the original offer by amount of at least 10% of the first \$1000 of that offer and 5% of the remainder. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.
7. Upon approval of the final upset bid, total payment for the property must be received by the City of Hickory within 30 days of the bid award.
8. City Council authorizes the City Manager to execute all documents related to the sale if no upset bids are received after due advertisement.

G. Approved on First Reading Budget Revision Number 17.

ORDINANCE NO. 23-06
BUDGET REVISION NUMBER 17

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2023, and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2022-23 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture and Recreation	140	-
General Government	160,015	-
Public Safety	48,530	-
Other Financing Uses	-	100,000
TOTAL	208,685	100,000

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous	60,155	-
Other Financing Sources	48,530	-
TOTAL	108,685	-

SECTION 2. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

B. Departmental Reports:

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)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Differently Abled (Council Appoints) (Ruthie Hill Resigned 2-15-23)

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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)
Ward 4 (Freeman Appoints)

VACANT
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

Alderman Seaver commented that Hickory High Girls won the lacrosse match today, 17 to 2.

Mayor Guess congratulated them.

Alderman Wood reminded everyone to move their clocks forward on Sunday at 2:00 a.m.

Mayor Guess commented he did not know if they had made a decision on which way they were going to leave it, or if they were going to leave it yet. He knew there was some discussion about it. He welcomed Alderman Freeman to his second Council meeting.

Alderman Freeman thanked Mayor Guess. He mentioned to someone that he could tell he was officially a part of the team because there was no more food for him. This was real and official, and he was glad to be a part of the team.

March 7, 2023

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)

Mayor Guess moved that Council go into closed session to consult with the attorneys to discuss the items below, seconded by Alderwoman Patton. The motion carried unanimously.

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)

Council convened to closed session at approximately 7:05 p.m.

Council reconvened to open session at approximately 7:30 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 7:32 p.m.

Mayor

City Clerk