

MINUTES
REGULAR MEETING
CITY COUNCIL

May 3, 2021

Ronnie Thompson, Mayor

Sally W. Sandy, City Manager
Louis E. Vinay, Jr., City Attorney

Wendy Cato)
Christopher Hawkins) Council
Chris Jernigan)
Butch McSwain)

Interpreters
Danette Steelman-Bridges
Ernest Williams, IV

I. Call to Order – The Mayor called the meeting to order in the Council Chamber at City Hall at 6:00 p.m.

II. Public Comment – The Mayor stated the guidelines for public comment and said speakers were to be called in order of sign-up for those who appeared in person; however, due to COVID-19 the Council was still accepting public comments via email, U.S. mail, or hand-delivered letters.

- Artie McKesson-Logan resides at 445 North College Street. McKesson-Logan requested the City Council consider recognizing Juneteenth in Morganton. McKesson-Logan asked if the City would become a supporter of the Juneteenth holiday; she would like the Council to form a committee to plan a celebration and include a proclamation that declares Juneteenth an annual celebration in Morganton.

- Anne Fisher resides at 100 Elm Street. Fisher spoke about housing inspections in the City. She said that a State law change denies the City the ability to do regular inspections on homes. She stated that citizens need to have a way to address issues, especially for tenants who reside in substandard housing.

- Joe Phillips resides at 400 Union Square. Phillips requested the City prune trees at 400 Union Square so they do not touch the building. He stated the trees are too high and would like to see them cut to below the roof line. He stated the roots are getting bigger and he felt they would disrupt the sidewalks.

- Frances Edwards resides at 105 Willow Run Drive. Edwards stated her opposition to a recent suggestion of moving the Confederate statue to the Forest Hill Cemetery. She stated her mother and her husband are buried at Forest Hill and it would cause her more grief to see the statue at the cemetery each time she went to visit their graves.

Edwards then questioned why the City allows chicken coops and corn stalks in the front yards. She mentioned a few areas that she considers eyesores.

- Albert Dale resides somewhere along US Highway 64. Dale spoke on the topic of the “bathroom situation” in Morganton. He stated there was nowhere to wash ones’ hands per the recommendation of Dr. Fauci. Mr. Dale stated he takes a lot of medication and has had a light stroke, heart disease, and diabetes. Dale stated he was denied use of the restroom at a local fast food restaurant whose employee suggested he go to another business to use the facilities. Dale had a similar experience at another local business. He stated that sometimes he has an immediate need and having no access to public restrooms can be problematic for him.

No other speakers signed up, appeared, or sent letters/email.

III. Pledge of Allegiance to the Flag – The Pledge was led by Councilman Jernigan.

IV. Invocation – The invocation was given by the Rev. Beth Ann Miller, First Presbyterian Church, Lenoir.

V. Introduction of Council – The Mayor introduced Council and staff.

VI. Retirement Resolutions

- The Mayor read a resolution honoring Clarence Michael Foust who retired from the City of Morganton on May 1, 2021 with 20-plus years’ service. Mike retired from the Recreation Department as Recreation Programs Supervisor-Aquatics.

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council adopted Resolution #21-15 honoring retiree Clarence Michael Foust.

Councilman McSwain presented the resolution to Mike thanking him for his dedication to the City. Mike expressed appreciation to the Council for supporting the aquatic center. He stated he already misses the work and people already.

- The Mayor read a resolution honoring K-9 Echo who retired from the City of Morganton on May 1, 2021 with two years distinguished service as a professional police dog with the Public Safety Department.

Upon motion by Councilman Hawkins, seconded by Councilman Jernigan, and carried unanimously, the Council adopted Resolution #21-16 honoring K-9 Echo. The Council approved declaring Echo surplus and relinquishing the City’s ownership interest in Echo, and transferring ownership to former PSO William Miller, for the purchase price of \$500.

VII. Service Pin – The Personnel Committee and City staff have decided to recognize long-term employees for years of service at a Council meeting. Danny Lyle is a Fire Engineer 1 with the Public Safety Department and has been employed with the City for 25 years. Lyle was unable to attend the meeting and will be presented his pin at a later time.

VIII. Public Advocacy Issues and Strategies

a. Chief Tony Lowdermilk presented the Public Safety Annual Report. Chief Lowdermilk stated that 2020 was a trying year for everyone. He stated there were five retirees in the past year; four of the five with at least 20 years' experience. He stated that Public Safety is currently rebuilding. Lowdermilk shared the Public Safety Mission Statement; "We are committed to protect the lives, property, and constitutional rights of all residents and businesses of our community by providing professional law enforcement and fire protective services." He stated they carry out the mission through their core values of integrity, professionalism, honor, accountability, respect, and quality. He stated they expect the officers to abide by those values daily on and off duty and the citizens expect it as well.

Chief Lowdermilk then gave an overview of all crimes reported in 2020 using a PowerPoint presentation.

Councilwoman Cato thanked Chief Lowdermilk for the report and for the work that Public Safety does on a daily basis.

b. The Mayor read a proclamation announcing Public Works Week.

Upon motion by Councilman Jernigan, seconded by Councilman McSwain, and carried unanimously, the Council affirmed the Mayor's Proclamation announcing Public Works Week.

The proclamation was presented by Councilman Hawkins and accepted by Public Works Director Michael Chapman. Chapman stated his appreciation and thanks for the recognition of the Public Works staff. Chapman stated that Public Works Week is recognized nationally and the theme this year is Stronger Together. He stated that Morganton is very representative of that theme with all departments working together to make Morganton a better place for all citizens.

c. The Mayor read a proclamation for National Day of Prayer. Councilwoman Cato presented the proclamation to Janice Branstrom, who was representing the local National Day of Prayer committee. Branstrom stated that due to continued construction on the Old Courthouse Square, the local event will be held this year at First Baptist Church on Thursday, May 6, 2021 at Noon. She stated all were welcome to attend the National Day of Prayer service.

d. The Mayor announced that the Water Department Master Metering Meeting would be held on May 11 at the Community House. The City Manager explained this is for owners of multi-unit residential properties that use the City water/sewer utilities.

e. The Mayor took a moment to express sympathy to Councilman McSwain and his family for the recent loss of his mother.

The Mayor also announced that the Farmers' Markets were opening for the season. The markets are held on Saturdays from 8:00 a.m. – Noon at the 300 Beach Street market site and on Wednesdays from 12:00 p.m. – 4:00 p.m. at the mini-market site at 111 North Green Street.

IX. North Carolina Municipal Power Agency Number 1 Update – The City Manager stated there were no updates.

X. Consent Agenda – The City Manager presented the Consent Agenda and asked if any items should be removed; no request was made.

Upon motion by Councilwoman Cato, seconded by Councilman Hawkins, and unanimously carried, the Consent Agenda was approved and each individual item adopted as stated, those being as follows:

A. Approved minutes for a Regular Meeting held on April 5, 2021 as submitted.

B. Approved a budget amendment (Ord. #21-18) in the amount of \$3,528.61 to recognize receipt of insurance reimbursement for a Public Works vehicle.

C. Approved entering into a 6-year agreement with Conterra for 100 Gbps Transport Fiber Connectivity to the Headend from Charlotte at a cost of \$5,500 per month.

D. Approved entering into a 1-year agreement with Cogent for 20 Gbps burstable to 100 Gbps bandwidth from Charlotte at a cost of \$2,500 per month.

XI. Items Removed from Consent Agenda – There were no items removed.

XII. New Business

A. Public Hearings

1. Public Hearing and Consideration of the City of Morganton Community Development Block Grant (CDBG) Entitlement Program Action Plan FY 2021-2022

The Mayor opened the public hearing at 6:45 p.m.

Lisa Helton stated the purpose of this public meeting was to receive public input and comments concerning the proposed 2021 Action Plan of the City of Morganton. This

Plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines the goals and actions of the City of Morganton in its use of Community Development Block Grant (CDBG) funds for the period, beginning July 1, 2021 and ending June 30, 2022.

This plan does not include the COVID-19 relief funds received in 2020. Those funds are accounted for separately with their use restricted to direct COVID relief.

The Mayor asked if anyone would like to speak.

Beverly Carlton, Director of Olive Hill Economic Development Corporation (OHEDC), stated she looks forward to this meeting every year because it's an opportunity to work together. She stated she has read through the CDBG plan and has comments and questions.

Carlton asked if this was the first public hearing and would there be a second public hearing. Lisa Helton stated that there was an advertised public meeting in February.

Carlton stated that the plan lists the Unifour Consortium as a homeowner help agency. She requested that Olive Hill also be listed as it is a local agency providing homeownership counseling and mortgage readiness.

The Mayor asked Lisa Helton if Olive Hill could also be listed in the plan. Helton stated that Olive Hill could be listed.

Carlton questioned the actual amount of funding under the CDBG program to date. She was confused by one of the amounts listed. Helton stated the number is an estimate of 5-years of funding. The City Manager explained this is an estimate of what staff thinks the City will receive over a 5-year period not the actual figures of what is received.

Carlton stated the document speaks about the homeless population and the services within the city. She stated that not all homeless people are eligible for existing homeless shelters. She stated that there are additional services needed for the homeless population such as cell-phone charging stations, water stations, and public trashcans near the Burke Mission Station.

Carlton then stated she would like to be a part of the City of Morganton Affordable Housing Task Force formed by the City Council to address needs in the local community. The City Manager stated she is not aware of a City task force. She stated there is a Community Housing Task Force that members of staff and Council participate in through Burke Development, Inc. Carlton says the Plan states the City has a task force formed by the Council and whatever committee the City has she would like OHEDC to be a part of that.

Carlton stated that OHEDC does provide foreclosure prevention, loss mitigation, financial literacy and credit counseling which assist homeowners or renters with affordability issues.

Carlton said the Plan says there are standards and procedures that the jurisdiction will use to monitor activities, ensure long-term compliance, and include minority business outreach. She asked if minority businesses are considered on programs that require bidding, she said there were no statements about that outreach. Helton stated that when a project is out for bid there are notices in the paper, minority businesses can send a bid in, and that is what the statement is referring to. Carlton feels there needs to be clarification about what that statement means.

Carlton then said she had a question regarding an item appearing later on the agenda. The item is Consideration of a Resolution of Intent to Sell Surplus Property on North Green Street. She asked as City-owned property is this a buildable lot. The City Attorney stated it would be discussed in detail later in the meeting, that it would be subject to an upset bid, and that the City would not make any guarantees that the property is buildable. He stated the property is zoned for residential. She stated that in the Plan it says that if appropriate publicly owned land located within the jurisdiction may be used to address the needs identified in the Plan and questioned if this property would fit the Plan. The City Attorney stated the City has not stated this property could be used for any particular purpose, but if the Council decides to sell the property, and if Carlton knows of anyone who is interested, she should encourage them to put in an upset bid. The City Attorney then explained the process of receiving an offer, advertising, and upset bidding.

Carlton asked if the City has excess property, why can it not be incorporated in the Plan to be used for affordable housing. Carlton is looking for properties to be donated for use for affordable housing.

There being no further public comment, the Mayor closed the public hearing at 7:05 p.m.

Upon motion by Councilman McSwain, seconded by Councilman Jernigan, and carried unanimously, the Council approved the 2021-2022 Action Plan as presented, as well as changes in the 5-year action plan with added language regarding OHEDC.

a. Consideration of the Community Development Block Grant (CDBG) Project Budget Ordinance

As a requirement of the CDBG Entitlement Program the City of Morganton must approve a Project Budget Ordinance each year to reflect the current budget revenues and expenditures.

Upon motion by Councilman Jernigan, seconded by Councilman McSwain, and carried unanimously, the Council adopted the CDBG 2021 Project Budget Ordinance (Ord. #21-17) for \$285,000.

b. Consideration of an Administration Contract with the Western Piedmont Council of Governments

The City of Morganton contracts with the WPCOG to administer the CDBG Entitlement Program. Approval is needed to enter into an agreement with WPCOG to provide grant assistance for the CDBG Block Grant Entitlement Program for July 1, 2021 through June 30, 2022. The administrative funding for the 2021/2022 CDBG funds is \$31,472.

Upon motion by Councilwoman Cato, seconded by Councilman Jernigan, and carried unanimously, the Council approved an agreement with WPCOG to administer the CDBG Entitlement Program for 2021-2022.

2. Consideration of a Zoning Ordinance Text Amendment for Compliance with the New Chapter 160D Land Use Law of the North Carolina General Statutes

The Mayor opened the public hearing at 7:09 p.m.

Phillip Lookadoo stated that the statutes governing county and municipal zoning have been combined by the State, and it is required for all municipalities and counties within the state of North Carolina to change local zoning to comply with State statute. The deadline for text amendments for compliance with this legislation is July 1, 2021.

The Planning and Zoning Commission, at their regularly scheduled meeting held on April 8, 2021, unanimously (8-0) voted to recommend approval to City Council.

There being no public comment, the Mayor closed the public hearing at 7:15 p.m.

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council approved removing subsection (A) of Section 3.2.2.3 Development Standards within section 3.2 Overlay Districts Section. This action is consistent with the approved land use plan as it is simply applying North Carolina statutory limits to the City of Morganton zoning ordinance.

Upon motion by Councilman Hawkins, seconded by Councilman McSwain, and carried unanimously, the Council approved making reference to special use permits for quasi-judicial decisions in the applicable Sections 2.1.4.3 and 3.4.7 of the zoning ordinance. This action is consistent with the approved land use plan as it is simply aligning North Carolina Chapter 160D terminology with the City of Morganton zoning ordinance terminology.

Upon motion by Councilman McSwain, seconded by Councilwoman Cato, and carried unanimously, the Council approved converting the term "conditions" to "limitations" when referencing special requirements for certain uses on the Permitted Uses Table 3.1, and subsequent sections making reference to "conditions". This action is consistent with the approved land use plan as it is a requirement of Chapter 160D and is only

bringing clarity to planning terminology, and does not change the actual zoning procedures.

3. Public Hearing and Consideration of Several Zoning Text Amendments

The Mayor opened the public hearing at 7:17 p.m. to consider three proposed text amendments.

a. Public Hearing and Consideration of a Zoning Ordinance Amendment to Allow Staff Initiated Text Amendments

Phillip Lookadoo stated that currently planning staff is not specifically allowed to initiate Zoning Ordinance amendments to the Planning and Zoning Commission. This requires an extra step to address issues. It would be more expedient to resolve such issues in the zoning ordinance with a staff initiated amendment.

Typically, if staff realizes an issue with the text of the ordinance, a motion must be made by the Planning and Zoning Commission for staff to then have the ability to draft an ordinance for presentation at the next meeting. If the Commission approves the proposed amendment, it then moves to City Council for consideration. The current process takes a minimum of three months to complete. By authorizing staff to initiate the proposed amendments, this time could be cut to two months or less.

The Planning and Zoning Commission, at their regularly scheduled meeting held on April 8, 2021, unanimously (8-0) voted to recommend approval to City Council.

There was no public comment on Item 3a., Staff Initiated Text Amendments.

Upon motion by Councilman Jernigan, seconded by Councilman Hawkins, and carried unanimously, the Council approved a zoning ordinance text amendment to allow for staff initiation of zoning text amendments. This amendment is consistent with the Mission 2030 Land Use plan.

b. Public Hearing and Consideration of Zoning Text Amendments to Increase Allowed Residential Density in CBD and HID

Phillip Lookadoo stated that in order to comply with the Morganton Downtown Masterplan, Development and Design Staff and the Planning and Zoning Commission believe the best way to achieve more density for residential uses within the CBD would be to allow unlimited density within the district.

Development & Design and the Planning & Zoning Commission also recommend an amendment to increase density allowed in High Intensity Districts (HID) area. In HID the base density of 4 dwelling units per acre will increase to 6 dwelling units per acre.

Both of these recommended changes to increase allowed densities would support opportunities for housing development. As discussed previously, our community, like most others, has a housing shortage of all types all across our community.

The Planning and Zoning Commission, at their regularly scheduled meeting held on April 8, 2021, unanimously (8-0) voted to recommend approval to City Council.

There was no public comment on Item 3b., to Increase Density in CBD and HID.

Upon motion by Councilman Hawkins, seconded by Councilwoman Cato, and carried unanimously, the Council approved increasing the base residential density within HID zoning from 4 dwelling units per acre, to 6 dwelling units per acre. This action is consistent with the Mission 2030 Land Use plan by encouraging the goals of higher residential density within the designated High Intensity Districts listed as Commercial Corridors and Planned Destination Commercial areas on the plan.

Upon motion by Councilman McSwain, seconded by Councilman Jernigan, and carried unanimously, the Council approved increasing the base residential density within CBD zoning from 4 dwelling units per acre, to unlimited dwelling units per acre. This action is consistent with the Mission 2030 Land Use Plan, and with the approved 2018 Downtown Masterplan by allowing for the diversity and expansion of housing listed in section 7.4.

c. Public Hearing and Consideration of a Zoning Text Amendment to Modify the Conditions for Development of Multi-Family Dwellings Including; Building Lengths/Widths, Requirement of Internal Sidewalks, Added Street Access Requirement, and Individualized Utility Meters

Phillip Lookadoo stated that after development reviews of several multi-family projects within the City's zoning jurisdiction, Development and Design staff propose amending the Zoning Ordinance to allow for additional flexibility regarding building length, internal sidewalks, and street access. Additionally, references regarding utility meters are being amended to ensure consistency with utility ordinances.

These changes have been reviewed by and approved by the Planning and Zoning Commission.

The Planning and Zoning Commission, at their regularly scheduled meeting held on April 8, 2021, unanimously (8-0) voted to recommend approval to City Council.

There was no public comment on Item 3c., to Modify the Conditions for Development of Multi-Family Dwellings...and Individualized Utility Meters.

The Mayor closed the public hearing at 7:28 p.m.

Upon motion by Councilman Hawkins, seconded by Councilman Jernigan, and carried unanimously, the Council approved amenities the conditions for development of multi-family dwellings including; building lengths/widths, requirement of internal sidewalks, added street access requirement, and individualized utility meters. This action is consistent with the approved City of Morganton Mission 2030 Land Use Plan as it meets the intent of the plan by allowing a diverse housing mix while also providing for public safety and building design standards.

(Ordinance #21-16)

B. Other Business

1. Consideration of Entering into a CDBG Small Business Loan Agreement for \$30,000 with Blythe's Brides, LLC dba Savvy Bride Boutique

The City Manager stated that Blythe Walker will own Blythe's Brides, LLC dba Savvy Bride Boutique located at 131 West Union Street, Morganton, NC. Savvy Bride Boutique will be a non-traditional bridal boutique selling wedding dresses and accessories. Ms. Walker has requested a CDBG Small Business Loan in the amount of \$30,000 to assist in up-fit of the building, to purchase inventory and to assist with working capital. The business will create jobs for low and moderate persons by hiring at least 1 full-time and 1 part-time employee. The SBL requirement to create at least 1 job for a low to moderate income person will be met when the business opens in June 2021.

The City has set aside CDBG funds for the purpose of encouraging small businesses that meet HUD hiring guidelines as well as City of Morganton Mission 2030 goals. Entrepreneurial development, downtown revitalization and tourism enhancement were each identified as essential Mission 2030 goals for economic development. This business loan is being recommended by the staff to promote these goals.

Upon motion by Councilman Jernigan, seconded by Councilman McSwain, and carried unanimously, the Council approved entering into a \$30,000 CDBG Loan Agreement with Blythe's Brides, LLC dba Savvy Bride Boutique to purchase inventory, up-fit building and provide working capital for the new business.

2. Consideration of Approval of a Contract with Sanford Holshouser Economic Development Consulting, LLC

The City Manager stated that the long-established Raleigh law firm of Sanford Holshouser has established a company known as Sanford Holshouser Economic Development Consulting, LLC (SHEDC), of which Tom Johnson is a principal. On behalf of SHEDC, Mr. Johnson has investigated the potential for attracting IT-related businesses to Morganton, including specifically the advantages of creating an IT-focused shared use facility, primarily for start-ups and local entrepreneurs. SHEDC has

now proposed to assist the City in promoting both the shared-use facility concept, and a more general drive to attract small to medium sized IT businesses.

City staff, and the appointed Finance Committee of the City Council, has negotiated terms for a contract by which the City would engage the consulting services of SHEDC for this limited purpose.

Specifically, the City would pay SHEDC a base fee of \$1,000 per month, plus reimbursement of necessary expenses. In addition, the City would pay a "bonus" of \$200 for each new IT job created in Morganton through SHEDC's efforts, provided the jobs pay at least \$41,840 annually, the current median salary for jobs of this type in the Western Piedmont Council of Governments service area. The total of such bonuses would be capped at \$20,000 per year.

The agreement would be effective for only one year, with no automatic renewal. Either party may terminate at any time, upon 10 days' written notice. The 2020/2021 budget has adequate funds to enter this contract without a budget amendment.

Councilman McSwain feels that with Apple recently locating in Raleigh, this is an exciting opportunity for cottage industries in our area. He then asked if there was a cap on bonus' paid. The City Manager stated there was a cap of \$20,000.

Upon motion by Councilwoman Cato, seconded by Councilman Jernigan, and carried unanimously, the Council approved a Contract, in the form of a Letter of Engagement/Memorandum of Understanding, with Sanford Holshouser Economic Development Consulting, LLC, for consulting services regarding efforts to attract new information technology businesses to Morganton, and to authorize the Mayor or the City Manager to execute and issue the contract on behalf of the City, together with the additional authority to make such alterations, technical amendments and changes as may be necessary to implement the contract.

3. Consideration of Entering into a Contract with the North Carolina Department of Environmental Quality (NCDEQ) for the Purposes of Constructing and Operating Two DC Fast Charge Electric Vehicle Charging Stations

The City Manager stated that as part of the 2019 North Carolina VW Settlement Program the City was awarded two grants totaling \$285,921.26. These grants are for the purposes of installing two DC Fast Charging Electric Vehicle Charging Stations; one at 111 Bush Drive and the other at 201 North College Street.

Matching funds for this grant are budgeted in the Electric Department budget and are 10%+- of the total cost of construction. The contract period with NCDEQ is effective from March 25, 2021 to March 25, 2023. An easement is in place for the 111 Bush Drive location and the 201 North College Street location is a City of Morganton owned property. It will be necessary to enter into a contractual agreement for both properties.

The Mayor asked if these are similar charging stations to those at the Fairfield. Phillip Lookadoo stated that the Fairfield are Tesla only chargers. He stated the new chargers will be adaptable to other vehicle types and they will do a full charge in about 60 minutes.

Upon motion by Councilman McSwain, seconded by Councilman Hawkins, and carried unanimously, the Council approved entering into contracts with the North Carolina Department of Environmental Quality (NCDEQ) for the purposes of constructing and operating two DC Fast Charge Electric Vehicle Charging Stations, and to authorize the City Manager/Development and Design Director/Mayor to execute all necessary contracts and documents to effect the construction and implementation of the DC Fast Electric Vehicle Charging Stations at 111 Bush Drive and 201 North College Street.

4. Consideration of Amendments to the City's Nuisance Ordinance

The City Attorney stated the City's Nuisance Ordinance is codified as Chapter 4 of Part 8 of the Code of Ordinances. This Chapter is used by City staff to enforce various regulations concerning the conditions of property, including rundown structures, overgrowth of vegetation, and general threats to health and safety. In applying and enforcing this Ordinance certain issues seem to repeatedly arise, and several areas appear to need clarification or updating. The Code Enforcement Officer and others within the Department of Development and Design Services, in cooperation with the City Attorney, propose a number of amendments, the most significant of which are briefly discussed below.

In Section 8-4002: 1) the definitions of overgrown vegetation and of the accumulation of trash or junk, are clarified; 2) several new subsections are added to define the circumstances under which discharge of water or other substances into streams, or the emission of other pollutants, can be a nuisance; 3) a new subsection is added to define as a nuisance the failure to timely clean a public street of mud or debris related to construction or similar activity; and 4) another new subsection defines as a nuisance unsecured or deteriorated doors, windows or other openings in abandoned or derelict properties.

Existing Sections 8-4005 through 8-4008 would be stricken and replaced by entirely new Sections 8-4005, 8-4006, and 8-4007, setting out a clearer set of procedures by which the City may order and ultimately abate nuisances. The new ordinances clarify exactly what is to be included in notices of violation and civil citations, and provide for the amounts of civil penalties and administrative fees. The Ordinance would also clarify the procedure for summary abatement in case of emergencies, and the provisions for giving the necessary notices.

New Section 8-4006 would also update the provisions for charging the costs of abatement to property owners.

New Section 8-4007 would provide a clearer system of giving notice to chronic violators.

All of these amendments would be in compliance with the State law, and would be coordinated with recent changes in the Zoning Ordinance and in other City ordinances.

The Mayor asked if there would be any limitation to having corn grown in the front yard. Mike Kirby, Code Enforcement Officer, stated there is not a specific section about growing crops. He stated he has had some calls about people growing vegetables on their property, there is nothing in the ordinance about that. He said people like to grow their own vegetables. The City Attorney stated there are limitations on chickens and chicken coops. Kirby encouraged citizens to call his office if they have an issue and he would investigate any concerns.

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council approved amending Section 8-4002 of the City Code of Ordinances, and replacing existing Sections 8-4005, 8-4006, 8-4007 and 8-4008 with new Sections 8-4005, 8-4006, 8-4007, 8-4008, and 8-4009 as presented to Council (Ordinance #21-15).

5. Consideration of a Resolution of Intent to Sell Surplus Property on North Green Street

The City Attorney stated that Mike Ciofoletti has submitted an offer to purchase from the City the vacant tract of approximately one acre located at 703 and 705 North Green Street, between North Green and Rink Street.

This is the same property which the City contracted to sell in 2014, which resulted in a series of upset bids. Ultimately, the sale fell through when all of the bidders withdrew their offers, based upon concerns about the condition of the property.

As a result of prior negotiations, the City attempted to obtain an appraisal on the property. Unfortunately, the appraiser was unable to provide any opinion, because of the difficulty in finding a comparable property.

The Burke County Tax Office has assigned a value to the property of \$54,500. Because the property is City owned, it is not subject to any tax. Everyone familiar with this tract would agree that valuation seems in excess of the actual fair market value, especially considering the drainage issues on the property. These tracts are also subject to a restrictive covenant which limits the use of each of the two lots to one single family dwelling.

Mr. Ciofoletti has now offered to purchase this property for \$12,000. He does so in the full knowledge that there are several storm water drain pipes across the property, as well as some evidence of ground subsidence. The City of course would make no warranties or presumptions concerning the physical condition of the premises.

If City Council decides to accept Mr. Ciofoletti's offer, then the sale for \$12,000 would be advertised by public notice, following the procedures in General Statutes § 160A-269, to allow for any upset bids. Mr. Ciofoletti has tendered an initial deposit of \$600, equal to 5% of the proposed purchase price.

Upon motion by Councilman Jernigan, seconded by Councilman McSwain, and carried unanimously, the Council approved Resolution #21-17 to declare as surplus a tract of approximately 1 acre at 703 and 705 North Green Street and to sell this tract to Mike Ciofoletti for \$12,000, conditioned on the completion of the statutory advertising and upset bid process.

6. Consideration of Award of Contract to Tri-County Paving, Inc. for Downtown Greenway Access

The City Manager stated that in December, 2020, the City contracted with Tri-County Paving, Inc. for construction of the so-called "Downtown Connector" greenway, extending from the trailhead at the end of Jefferson Street to Catawba Meadows Park. Construction of that greenway is now well underway, and should complete this Summer.

The Connector greenway runs closely parallel to, but considerably below the grade of, Second Street for about 1,000 feet, this entire distance being on the opposite side of that street from Morganton Housing Authority's main apartment complex. Since this is the home to hundreds of people, it will be highly desirable to provide direct access from Second Street to the Greenway, but because of the topography and the lay-out of the Greenway, the nearest access point from Second Street in the original plan was at the Mountain View Recreation Center.

The City's budget for this project allows for design and construction of two convenient access points to the Greenway from Second Street. Tri-County Paving, already in the midst of constructing the project, has submitted an estimate to the City of \$21,638.10 for an access connector at survey station 36+40, and of \$9,130.51 for an access connector at survey station 48+10. These costs were originally budgeted as "contingency" in the original contract. However, NCDOT will not approve these as change orders; but are requiring a separate contract. As stated, funding for this contract is already budgeted.

Therefore, City staff recommends award of a contract to Tri-County Paving, Inc. in the amount of \$30,768.61 for the construction of two (2) access points connecting Second Street to the Greenway.

Upon motion by Councilman Hawkins, seconded by Councilwoman Cato, and carried unanimously, the Council approved awarding a contract to Tri-County Paving, Inc. in the amount of \$30,768.61 for the construction of two (2) access points connecting Second Street to the Greenway, and to authorize the Mayor or the City Manager to execute and issue the contract on behalf of the City, together with the additional authority to make

such alterations, technical amendments and changes as may be necessary to implement the contract.

7. Consideration of Award of Contract for Herron Street Repairs

The City Manager stated this would be funded with Community Development Block Grant monies. This project involves the installation of a new end wall, adding additional storm drain pipe, backfilling fill slope, replacement of concrete curbing, and repair of roadway with milling and asphalt surface for approximately 320 linear feet of roadway.

Sealed bid proposals were received and opened by the Development & Design Services Department on Tuesday April 27, 2021. Three bids were submitted for the project. The lowest responsive, responsible bid was submitted by Midstate Contractors Inc. of Hickory, NC, in the amount of \$111,206.00.

The remaining two bids in order from lowest to highest were \$128,378.25 submitted by Evans Construction of Connelly Springs NC and \$181,681.50 submitted by Tri-County Paving Inc. of West Jefferson NC. Staff recommends proceeding with this contract to restore Herron Street in the Jonesboro Historic District to full working capacity.

Upon motion by Councilman McSwain, seconded by Councilman Jernigan, and carried unanimously, the Council authorized a contract with Midstate Contractors Inc. of Hickory, NC, in the amount of \$111,206.00, to perform the Herron Street Roadway Repair Project.

8. Appointments to Boards and Commissions

a. Human Relations Commission - This is a Mayoral appointment.

There were four terms on the Human Relations Commission that are expiring; those of Francisco Risso, Stefonia Vaught, Captain Jason Whisnant, and the Rev. Wayne Johnson.

Stefonia Vaught and Francisco Risso have stated they are unable to continue serving on the Commission. Rev. Johnson and Captain Whisnant have been consistent members and have expressed a willingness to continue serving.

An application was received from Eric Hunsley, the newly hired Assistant HR Director for the North Carolina School of Science and Mathematics-Morganton, who has expressed interest in serving on the Human Relations Commission.

The Mayor reappointed Rev. Wayne Johnson, Captain Jason Whisnant, and appointed Eric Hunsley to the Human Relations Commission for terms to expire on May 3, 2024.

9. 30-Day Notice Boards and Commissions - The Mayor stated that due to upcoming expiration of terms, vacancies will exist on the following Boards and/or Commissions.

Nominations and appointments will be made at the June City Council meeting. He also stated if anyone has an interest in volunteering for one of these vacancies, applications for *Request for Appointment to City of Morganton Boards and Commissions* are available on the City website.

Board of Adjustment, Cable Commission, Community Appearance, MainStreet, Planning & Zoning Commission, and Recreation Advisory Commission.

XIII. Other Items from City Manager and City Council Not on Agenda – There were no other items.

XIV. Reports – Reports were distributed to Council.

XV. Adjournment – The Mayor adjourned the meeting at 7:56 p.m.

Preparation of Minutes. These minutes were prepared by Mikela D. Russell, Assistant City Clerk. Copies of all resolutions, ordinances and orders referenced in these minutes are intended to be incorporated into these minutes as if fully set forth herein. Prior to including them into the official minute book, the minutes have been read and approved by the City Manager and the City Attorney, then distributed to each member of the City Council for further review and final approval, at a subsequent Council Meeting.

Mayor

Assistant City Clerk