

MINUTES  
REGULAR MEETING  
CITY COUNCIL

September 12, 2022

Ronnie Thompson, Mayor

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

Wendy Cato - excused absence)  
Christopher Hawkins ) Council  
Chris Jernigan )  
Butch McSwain )

Interpreters  
Linda FaFard  
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.

The following persons requested to be added for Public Comment and were called by Mayor Thompson to come to the podium for comment:

- Dr. Deborah Peters – Owner and CEO of Wisdom Path, PLLC located at 220 W. Union Street, which is in the Blanton Building owned by Mr. Tom Blanton – Ms. Peters advised that she is a member of the Downtown Development Association, owner of a business for 27 years that employs 12 people and serves several hundred clients per month. She expressed concerns about trends in the downtown area that have a seriously negative effect on businesses and the community. She stated that homeless individuals are using the property unauthorized, breaking into the building, camping, appearing intoxicated, approaching clients, taking a shower in the parking area, defecating and leaving sanitary napkins beside the building, breaking windows with rocks on two different occasions and assaulting each other in the front area of the building during business hours. In addition to cleaning up and repairing damage, she stated that they have filed multiple police reports, put up no trespassing signs purchased from the City, hired a landscaper to cut back tree limbs and brush for better visibility, had the City install extra street lamps and purchased and installed a security system. She further stated that clients and staff do not feel safe entering or exiting the building, which negatively affects her business. She feels if this is happening at her business then it is happening at other downtown businesses. She asked the Council, “What else can I do to protect my business, clients and staff?” She appealed to the Council to devote whatever resources are necessary to solve this problem for everyone.
- Tom Blanton - Owner of the Blanton Building located at 220 W. Union Street – He has owned the building since 1979. He advised that the building has been vandalized – 16 windows have been repaired in the last year. He stated that he wants to come up with solutions. He asked the question, “How can the City help us?” as property owners in the downtown business district. He then stated that he felt that the City should increase police patrols and protection and increase staffing. The first half of the 200-block of W. Union Street is open/empty. This is where they are congregating. He said that the Downtown Association and the City of Morganton can and should work together to improve the situation.

He stated that there is an ordinance regarding derelict buildings and that this could be applied to the central business district and be enforced.



- III. Pledge of Allegiance to the Flag – The pledge of allegiance was led by Councilmember Hawkins.
- IV. Invocation Given by City Attorney Louis Vinay, Jr.
- V. Introduction of Council – The Mayor introduced Councilmembers and staff.
- VI. Public Advocacy Issues and Strategies

- a. Main Street Update: Abby Gentry-Nelson, Main Street Manager – She introduced the following Downtown Advisory Council members in attendance - Keith Suttles, Julia Mode, Bryant Lindsey and Nancy VanNoppen. She is updating the Mayor and City Council as a requirement of the NC Mainstreet program accreditation process. She highlighted public and private investment, business development activity in Downtown, redevelopment activity and volunteer and promotional activity. She proudly announced that during FY 21-22, Downtown Morganton saw over \$4.5 million in investments and, since the adoption of the Downtown Masterplan in March 2018, Downtown Morganton has seen \$28.4 million in public and private investments.

She stated that during FY 21-22, Downtown has seen a net gain of 7 new businesses, 13 full-time jobs and 11 part-time jobs. Downtown has had seven façade improvements and two housing units created. She is excited to report that there are other building developments in Downtown now and is looking forward to updating the Council next year.

She said that Downtown is not quite back to 100%, but has seen an improvement in volunteer activity and events in Downtown. In FY 21-22, 177 events were produced in Downtown, which is an increase of 91 events from the previous year. A conservative estimate of \$1.4 million has been generated in promotional activity in Downtown Morganton over the past year, not including the Historic Morganton Festival or holiday events. She projects this will increase over the next year.

She looks forward to focusing on the Masterplan, restaurant recruitment, housing and development.

- b. Presentation by Dr. Joel D. Welch, President – Western Piedmont Community College (WPCC) – Dr. Welch distributed a copy of the WPCC strategic plan to each member of the Council. He stated that WPCC is committed to transforming our community by empowering everyone to achieve success. He advised that 20% of the population, or 1 in every 5 people, live in poverty in Burke County and more than 50% of WPCC students are Pell grant eligible. WPCC strategic plan is built around equitable access and success for everybody, then focusing on completion and transfer, learning outcomes and post-graduate outcomes. He highlighted two goals: (1) To develop and demonstrate a culture of caring for students and the community and (2) To see graduates exhibit a high rate of employment and earnings.

He asked the question, “How do we build on the future?” The new Regional Skilled Trade Center will focus on plumbing, carpentry, electrical and HVAC. He further stated that partnering with the City in the future relocation of the Emergency Services Training Center will benefit the County and the City. The project will be phased. These investments and partnerships in the community will make a difference in student’s lives.

Mayor Thompson asked when the new skilled trade center would be open for classes. Mr. Welch advised that classes are currently being taught. The building is expected to be open and operational in August 2023.

- c. Announcement – Mayor Thompson stated that Gov. Roy Cooper announced the City of Morganton will receive a PARTF grant in the amount of \$500,000 for a project entitled Bethel Park, Phase I. The grant will be used to fund amenities in the Bethel Park restoration.
- d. Proclamation – Big Brothers Big Sisters Month – September 2022 – Mayor Thompson read the proclamation. Councilmember McSwain presented the proclamation to Haven Worley of Big Brothers Big Sisters of Western North Carolina.
- e. Proclamation – Burke County Chamber of Commerce Inaugural Litter Sweep Week - September 19 – 24, 2022. Mayor Thompson read the proclamation. Councilmember Hawkins presented the proclamation to President & CEO Tonia Stephenson, CCE – Burke County Chamber of Commerce. Ms. Stephenson thanked everyone for their support. She stated that this would be a way to unite the community. They are accepting teams via online signup or by calling the Chamber office. The team that picks up the most bags of litter will receive a \$500 cash prize.
- f. Proclamation – Constitution Week 2022 – September 17 -23, 2022 – Mayor Thompson read the proclamation. Councilmember Jernigan presented the proclamation to Janie Matthews – Quaker Meadows DAR Regent and Alice Ayers – Chair of Constitution Committee. Ms. Matthews stated that the Constitution was signed 235 years ago on September 17, 1787, and this year is the 67<sup>th</sup> anniversary of the celebration of Constitution Week. She asked that everyone ring bells on September 17<sup>th</sup> at 4 pm for Bells of America.
- g. Upcoming events:
  - Downtown/City Hall
    - Farmers' Markets Continue in September/October
    - Saturdays from 8:00 a.m. – Noon at 300 Beach Street
    - Wednesdays from 11:00 a.m. – 2:00 p.m. mini-market at 111 North Green Street
    - Sunday POPS Concerts Continue on Fourth Sundays 3p-5p
    - September 25<sup>th</sup> at Historic Burke County Courthouse Square
    - Art in the Hall: Raymond B. Goodfellow (9/27/49-11/22/2006) – An accomplished abstract artist whose bold, colorful creations reflect his love of life, fantastic imagination and appreciation of nature, creatures and the world around him.
  - CoMMA Performing Arts Center
    - Thursday, September 22<sup>nd</sup> – Opening Night for CoMMA – Masters of Soul at 7:30 pm
  - Recreation
    - Collett Street Pool closed for the Season
    - Splash Pads will close for the Season by the end of September
    - Friday/Saturday, October 7 and 8 - Plow Days at Catawba Meadows Park, 9 a.m. to 6 p.m.
    - Friday/Saturday, October 21-22 – Spooky Meadows at Catawba Meadows Park, 7 p.m. to 10 p.m.



VII. North Carolina Municipal Power Agency Number 1 Update

Manager Sally Sandy advised that the Electricities Board of Directors will have elections in November, when there are two seats up for election. The seats are currently held by a Councilmember in Gastonia and the Mayor in Statesville. Both of these people are eligible for reelection.

VIII. Consent Agenda – City Manager Sandy presented the Consent Agenda and asked if any items should be removed. No request was made.

Upon motion by Councilmember Hawkins, seconded by Councilmember Jernigan, 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 August 1, 2022.
- B. Approved tax releases in the amount of \$19,727.64.
- C. Approved the discontinuation of Pay-Per View video services for CoMPAS.
- D. Approved an amended resolution (Resolution 22-33) to apply for grant funding for a project known as Bethel Park Phase I and Phase II, the Restoration of East Prong Hunting Creek and Fiddlers Run Creek.

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

X. New Business

A. Public Hearings

- 1. Public Hearing and Consideration of Adoption of Ordinance to Permanently Close and Abandon a Portion of Agnes Street

The Mayor opened the public hearing at 6:47 p.m.

City Attorney Vinay advised that Dusty Georges Investment, LLC, (“Georges”) has submitted a petition in proper form asking that the City close and abandon a short segment of Agnes Street that has never been opened. This is an extension of that portion of the street which was previously closed and abandoned by Resolution of the City Council adopted on December 6, 2021. Georges owns the lands on both sides of the segment of street for which closure is now sought. Other than Georges (and associated entities), no one uses or must use this short segment for access.

City staff sees no reason to object to this petition. No one would lose street access, or otherwise be adversely affected, by closure of this very short segment of street.

At its August 1, 2022 meeting, City Council adopted a Resolution of Intent to close and abandon this segment of street, and called for a public hearing at the September 12, 2022, Council meeting. Notice of this hearing was properly advertised in the News-Herald, and notice of the same was properly posted along Agnes Street, all in accordance with N.C.G.S. 160A-299.

The Mayor asked for public comment. There being no public comment, the Mayor closed the public hearing at 6:49 p.m.

City Attorney Vinay advised that if the ordinance is adopted that Dusty Georges Investment, LLC would become the owner of the entire segment of the street since they already own both sides.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and carried unanimously, the Council adopted an ordinance (Ordinance 22-32) to close and abandon a short segment of Agnes Street, reserving an easement for use of any public utilities within that segment.

B. Other Business

1. Consideration of Award of Contract for 2022 City of Morganton Resurfacing Project

City Manager Sandy advised that the 2022/2023 budget includes several projects that require resurfacing of failing asphalt. These are road resurfacing in Forest Hill and Olive Hill cemeteries and resurfacing/drainage repair at the wastewater plant at the composting area. Additionally, the budget included a recommendation to use \$800,000 in American Rescue Plan Act (ARPA) funding to resurface City streets. City staff has identified streets in need of repair by our rating system. In order to make the most of this one-time availability of ARPA funding, staff revisited street rankings with a goal of maximizing linear footage. The project was separated into four individual projects that were combined for the bidding of a single project, as listed:

- 1) Resurfacing of City Streets - Funding for this particular project would be from ARPA funds. The project involves the milling and resurfacing of City streets.
- 2) Resurfacing of Cemetery Streets - Funding for this particular project would be from the City of Morganton Cemetery Trust Fund. The project involves the milling, resurfacing and patching of selected areas and streets inside the Forest Hill Cemetery and Olive Hill Cemetery.
- 3) Resurfacing of Specified Areas at the Morganton Wastewater Treatment Plant - Funding for this particular project would be from the City of Morganton Wastewater Fund. The project involves the milling and patching of selected areas in the compost area and the overlay of area 100' x 155' under shed.
- 4) Resurfacing Overlay for NCDOT Roads on Water Line Projects - Funding for this particular project would be from ARPA funds. The project involves milling and asphalt overlay of areas where a water line was installed for the Garrison Road water line replacement project.

Sealed bid proposals were received and opened by the Development and Design Services Department on Tuesday, August 23, 2022. Three bids were submitted for the project. The lowest responsive, responsible bid was submitted by J.T. Russell & Sons, Inc. of Conover, NC in the amount of \$875,185.69. The bid tabulation is included in the Council packet.

Subtotal bid amounts for each individual project is as follows:

- 1) Resurfacing of City Streets – Bid amount \$695,696.60 (Budget \$800,000)
- 2) Resurfacing of Cemetery Streets – Bid amount \$73,678 (Budget \$100,000)
- 3) Resurfacing of Specified Areas at the Morganton Wastewater Treatment Plant – Bid amount \$82,843.09 (Budget \$85,000)
- 4) Resurfacing Overlay for NCDOT Roads on Water Line Projects – Bid amount \$22,968 (Included in street resurfacing budget)



All bids were below budgeted amounts. In order to maximize the streets resurfaced and the roads resurfaced in the cemeteries, staff proposes using the full budgeted amounts. Therefore, the recommendation is to award a contract to J.T. Russell & Sons, Inc. in an amount not to exceed \$985,000. As with other resurfacing contracts, if unit prices allow to add additional linear footage beyond the original street list, Staff will have recommendations on locations.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and carried unanimously, the Council awarded a contract not to exceed \$985,000 to J.T. Russell & Sons, Inc. for street resurfacing, cemetery resurfacing and pavement/drainage work at the compost area of the Wastewater Treatment Plant.

2. Consideration of Preliminary Plat Approval for Mansfield Carolina Holdings

City Manager Sandy stated that a preliminary plat has been submitted for Mansfield Village subdivision. This subdivision consists of 6 total lots proposed to be situated along Hopewell Road.

The developer requests, per the Subdivision Ordinance, to be able to pay a fee in lieu of the required dedication of open space. The fee in lieu is based on the tax value of the amount of land to be dedicated as open space. See calculation below.

- Number of Lots (6) X Average Household Size for Morganton (2.58) X .008 (1 acre of open space per 1000 people) = 0.12acres.

PIN	Tax Value
1792897429	\$32,084

- Tax Value (\$32,084) X 0.12 Acres (See above required dedication) = \$678.00

The Planning and Zoning Commission, at their regularly scheduled meeting held on August 11, 2022 voted 9-0 to recommend approval of the preliminary plat for Mansfield Holdings as proposed and to allow a fee in lieu payment for the required open space dedication. The Commission also approved a statement of consistency of this proposed subdivision with the Mission 2030 Comprehensive Land Use Plan.

Upon motion by Councilmember Hawkins, seconded by Councilmember Jernigan, and carried unanimously, the Council approved the preliminary subdivision plat for Mansfield Holdings as recommended by the Planning and Zoning Commission, allowed a fee in lieu payment for the required open space dedication and approved a statement of consistency with the Mission 2030 Comprehensive Land Use Plan.

3. Consideration of a Resolution to Apply for Building Reuse Grant for Project Vette in the Amount of \$200,000

City Manager Sandy stated that a well-established local manufacturing business intends to renovate and upgrade its manufacturing facility in Morganton. This company, identified for purposes of confidentiality as "Project Vette", estimates the total cost of this work at \$6,900,000. The company anticipates creating 30 new jobs with pay meeting or exceeding the average county wage.

The Rural Infrastructure Authority recommends a building re-use grant of \$200,000 for this project. Burke Development, Inc. (BDI) has asked the City of Morganton to be the applicant to the State for this grant. However, Burke County would also participate, by sharing equally in the 5% local match which would be required for administration. The City and County would each be responsible for one-half of the \$10,000 match or \$5,000 each.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and carried unanimously, the Council approved a resolution (Resolution 22-34) allowing an application for a building re-use grant in the amount of \$200,000 for an expansion or upgrade of a business identified as Project Vette.

4. Appointments to Boards and Commissions

a. Community Appearance Advisory Commission

This is a Mayoral appointment.

An application has been received from Leslie Giese expressing interest in becoming an Advisory member.

It is recommended by staff that Leslie Giese be appointed to a term to expire on June 1, 2025.

The Mayor appointed Leslie Giese to the Community Appearance Advisory Commission for a 3-year term to expire on June 1, 2025.

b. Cable Television Commission

This is a City Council appointment.

City Manager Sandy advised that Dennis Caldwell is currently listed as the NAACP Appointment to expire on June 1, 2023. He is a member of good standing. Staff recommends that he move to a vacant At-Large Appointment to expire on June 1, 2023.

The President of the Burke County NAACP requested the appointment of Mary L. Roseboro to the Cable Television Commission as the NAACP Appointment to replace Dennis Caldwell. The appointment is a 3-year term to expire on June 1, 2025.

Upon motion by Councilmember Jernigan, seconded by Councilmember Hawkins, and carried unanimously, the Council approved Mary L. Roseboro to the NAACP Appointment on the Cable Television Commission for a 3-year term to expire on June 1, 2025, and moved Dennis Caldwell from NAACP Appointment to an At-Large Appointment to complete a 3-year term to expire on June 1, 2023.

XI. Other Items from City Manager and City Council Not on Agenda

XII. Reports – No reports given.

XIII. Adjournment – The Mayor adjourned the meeting at 7:00 p.m.

Preparation of Minutes. These minutes were prepared by Renee C. Carswell, 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



City Clerk