



MINUTES
REGULAR MEETING
CITY COUNCIL

October 2, 2023

Ronnie Thompson, Mayor

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

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

Interpreters
Danette Steelman-Bridges
Ernest Williams, IV

I. Call to Order – Mayor Thompson called the meeting to order in the Council Chambers at City Hall at 5:15 p.m.

II. Closed Session - Upon motion by Councilmember Cato, seconded by Councilmember Jernigan, and carried unanimously, the Council approved going into closed session in accordance with General Statutes section 143-318.11(a)(4) to discuss economic development matters and moved the closed session to Conference Room 4.

Upon motion by Councilmember Cato, seconded by Councilmember McSwain, and carried unanimously, the Council closed the closed session at 5:46 p.m.

III. Call to Order Open Session in the Council Chambers – Mayor Thompson called the meeting back to order at 6:00 p.m.

IV. Public Comment – No one signed up to offer any comments.

V. Pledge of Allegiance – The pledge of allegiance was led by Councilmember Cato.

VI. Invocation - Chaplin Jasper Hemphill – Morganton Public Safety

VII. Introduction of Council – Mayor Thompson introduced Councilmembers and Staff.

VIII. Public Advocacy Issues and Strategies

a. Proclamation: Public Power Week – Mayor Thompson read the proclamation. Councilmember Jernigan presented the proclamation to Brooks Kirby, Electric Services Director. Director Kirby thanked everyone for acknowledging and honoring the City's electric department. He stated that in order to bring more awareness to the importance of operating and owning our own electrical system there is a display table in the lobby loaded with energy efficient kits for citizens and other activities are planned for this week.

b. Proclamation: Fire Prevention Week – Mayor Thompson read the proclamation. Councilmember McSwain presented the proclamation to Fire Division Chief Israel Gibson, MDPS Fire Services. Chief Gibson thanked the Mayor, Council and City Manager for promoting and supporting the fire services division. He encouraged everyone to take home fire safety serious by implementing cooking safety tips and a safety plan. Morganton Public

Safety Fire Services personnel will be conducting fire education in the public schools, churches and the community during the month of October.

- c. Proclamation: Morganton Civil Rights Day – October 14, 2023 – Mayor Thompson read the proclamation. Councilmember Cato presented the proclamation to Laurie Johnston, NC Room Curator – Burke County Public Library. Ms. Johnston stated that she was honored to accept the proclamation and asked members of the Historic Marker Committee to stand with her. She thanked the Council for their support and accepted the proclamation on behalf of the West Concord Mothers and their families who remain to carry on their legacy. On September 11, 1961 these mothers met with the Morganton City Council to petition for assistance with transportation for their children to attend the designated school for black students. In 1963, these mothers petitioned for their own children to be among the first to integrate schools.

She stated that the proclamation celebrates the installation of a new historic marker on the North Carolina Civil Rights Trail. This marker will be erected on October 14th, 11 a.m. at Slades Chapel AME Zion Church and holds great significance as it commemorates the work of the West Concord Mothers and recognizes Slades Chapel AME Zion Church as the site of numerous meetings and non-violent demonstrations during the Civil Rights Era. The public is invited to the installation.

The children and grandchildren of the West Concord Mothers stood and were recognized at the request of Councilmember Cato.

- d. Mayor Thompson stated that the second IMAGINE Morganton 2040 Community Workshop will be held on Tuesday, October 24, 2023, 5:30 p.m. to 7:30 p.m. and Wednesday, October 25, 2023, 12:00 p.m. to 2:00 p.m. at City Hall in the Council Chambers. Both meetings are drop-in and citizens are encouraged to choose and attend one of the scheduled meetings.
- e. Mayor Thompson stated that in 2022, City Council proclaimed that October 22nd would be celebrated annually as “Daniel Morgan Day”. October 22, 1784 is the day the NC Legislature established the City of Morganton naming it for Revolutionary War Hero General Daniel Morgan. This year various organizations will celebrate the City’s 238th birthday. Mayor Thompson recognized Becca Heacock, Historic Burke Foundation, Inc.. She invited the Mayor and the Council to the festivities that will begin at 1:30 p.m. at the Historic Burke County Courthouse.
- f. Michael Chapman, Public Works Director, advised that the City of Morganton Public Works began running leaf collection routes this month, and will continue collecting leaves on a route for citizens free of charge as needed through January. To help us help you, there are some general guidelines:
- 1 - Public Works collects leaves during leaf season from October through January at no charge to residents.
 - 2 - After January (February through September), residents must pay a \$25.00 fee to have loose leaves collected.
 - 3 - Residents should pile leaves as close to the road as possible without blocking the road or sidewalks keeping the leaves away from storm drains and out of the street to help prevent flooding.
 - 4 - If your vehicle is parked on the side of the street blocking the leaf pile or making it difficult to pick up without damaging your vehicle, your leaves will not be collected.

- 5 - Please keep your leaf piles free of sticks, debris, branches and other miscellaneous items. If your leaf pile contains sticks, debris, branches or other items, your leaves will not be collected, as collecting these items with a leaf truck can damage the truck and take it out of service.
 - 6 - Please do not put leaf piles on utility boxes, close to power poles or mailboxes or near landscaping.
 - 7 - Encourage residents to utilize mulching lawnmowers, if accessible.
 - 8 - Use extreme caution when trucks are in the vicinity of your residence.
 - 9- Service is dependent on weather conditions.
- g. Mayor Thompson announced October 21st as “Great Trails State Day” and encouraged citizens to get outside to walk trails.
- h. Mayor Thompson announced the following events:
- **Downtown/City Hall**

Farmers’ Markets Continue Until Saturday, October 28th
Saturdays from 8:00 a.m. – Noon at 300 Beach Street and
Wednesdays from 11:00 a.m. – 2:00 p.m. mini-market at 111 North Green Street.

Art in the Hall: Tea Yang – Hmong Storytellers – Ms. Yang is the Values and Culture Director for The Industrial Commons. The Hmong Storytellers showcase traditional textiles and artifacts from Southeast Asia, and art from contemporary Hmong-American artists, which will be displayed at City Hall during the months of October and November.

MADE (Morganton Arts Design and Engineering) Competition, Friday, October 20th, 8 a.m. – 5 p.m. at CoMMA. The event will feature 13 teams from across Burke County middle and high schools competing in an exciting onsite design build challenge.

Halloween Spooktacular – Tuesday, October 31, 3 p.m. – 6 p.m., Downtown Morganton.
 - **CoMMA Performing Arts Center**

Thursday, October 5, 2023 at 7:30 p.m. – Damn Tall Buildings

Tuesday, October 17, 2023 at 7:30 p.m. - Letters Aloud: Thanks but No Thanks – The Greatest Rejection Letters of All Time

Friday, October 27, 2023 at 7:30 p.m. – Ofrenda: A Dia de los Muertos Celebration
 - **Parks and Recreation**

Splash Pads closed for the season.

Friday/Saturday, October 6 and 7, 9 a.m. to 6 p.m. – The Valley Hills Antique Power Club Tractor Show at Catawba Meadows Park. This is a free event with antique tractors, kids activities, food, music and lots of fun. On Friday, October 6th the Jacktown Ramblers and Butterbeans will be performing and on Saturday, October 7th Buffalo Cove, JAM Program Kids, Darren Nicholson and Appalachian Roadshow will be performing.

Friday/Saturday, October 20-21, 7 p.m. to 10 p.m. – Spooky Meadows at Catawba Meadows Park.

IX. North Carolina Municipal Power Agency Number 1 Update - City Manager Sandy advised that she did not have a report.

X. Consent Agenda – All items below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member, staff member or citizen so requests. In the event a request is made, the item will be removed from the consent agenda.

Upon motion by Councilmember Cato, seconded by Councilmember McSwain, and carried unanimously, the Council approved the Consent Agenda as submitted.

A. Consideration of Approval of Minutes – For a Regular Meeting held on September 11, 2023.

RECOMMENDED ACTION: Approved minutes as submitted.

B. Consideration of Tax Releases in the Amount of \$331.62

RECOMMENDED ACTION: Approved tax releases in the amount of \$331.62.

C. Consideration of Award of Contract for Managed Video Services

RECOMMENDED ACTION: Awarded contract to Jackson Energy for managed video services to the City of Morganton Headend, not to exceed \$2.50 per month per subscriber with a 1,000 subscriber minimum for the next 3 years and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

D. Consideration of Approval of a Budget Amendment for Insurance Reimbursements for General Fund

RECOMMENDED ACTION: Approved a budget amendment (Ordinance 23-39) in the amount of \$61,246.55 to recognize receipt of insurance reimbursements for damage to a Public Safety vehicle and damage to a Public Works truck.

E. Consideration of Approval of a Budget Amendment for Insurance Reimbursement for Water Fund

RECOMMENDED ACTION: Approved a budget amendment (Ordinance 23-38) in the amount of \$84,816.83 to recognize receipt of insurance reimbursement for lightning damage to the water treatment plant.

F. Consideration Award of Contract for Delivery 5 Equipment

RECOMMENDED ACTION: Awarded a contract to Electrical Power Products of Des Moines, IA for the amount of \$94,803 to replace Delivery 5 Transformer Relay and Control Panel and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

G. Consideration of a Resolution Designation of Applicant's Agent for North Carolina Division of Emergency Management to Authorize Primary and Secondary Agents to Execute and File Applications for Federal and/or State Assistance on Behalf of the City of Morganton

RECOMMENDED ACTION: Appointed Sonja G. Marston, Assistant City Manager, and Lieutenant Tayler Alexander, Morganton Public Safety, to execute and apply for federal and/or state assistance on behalf of the City, which are administered through the North Carolina Division of Emergency Management and the Federal Emergency Management Agency (Resolution 23-31).

XI. Items Removed from Consent Agenda – No items were removed.

XII. New Business

A. Public Hearings

1. Public Hearing and Consideration of a Request to Rezone the Property Listed as 500 East Union Street, 501, 0, 503, and 505½ East Meeting Street from High Intensity (HID) to Central Business District (CBD)

Mayor Thompson opened the Public Hearing at 6:33 p.m.

Wendy Smith, Development & Design Director, advised that the properties are five adjoining lots collectively totaling 1.14 acres and bounded by East Union Street, Church Street, and East Meeting Street. The site is currently zoned High Intensity District (HID) and is proposed to be rezoned to Central Business District (CBD).

The High Intensity District is established to accommodate high density residential and wide variety of civic, institutional, retail, service, and office uses along major arterials within the City and to ensure these uses are attractive, functional, and do not have a harmful effect on adjacent neighborhoods or other commercial areas of the City.

The Central Business District is established to protect and promote the continued vitality of downtown Morganton. It is the intent of this district to provide a concentration of activities in a pedestrian-oriented setting. These activities include retail trade, office, and professional service uses as well as high density residential.

The site has access to East Union Street, Church Street and East Meeting Street. The site is bordered to the east by two commercial developments, a vacant lot, and the rear portion of a lot containing a single family dwelling, all of which are located in Zone HID. Across East Meeting Street to the south, the site faces single-family dwellings located in Zone HID. Across Church Street to the west, the site faces vacant land (proposed to be developed with multi-family dwellings) and townhomes located in Zone CBD. Across East Union Street to the north, the site faces a single-family home located in Zone CBD.

The City's Mission 2030 Comprehensive Plan's Future Land Use Map indicates that the subject parcel's future land use should be Commercial/Residential Mixed. This designation would typically see either a mix of commercial and residential uses, either vertically or horizontally, or individual development of either commercial or residential uses.

The City is currently undergoing an update to the Mission 2030 Comprehensive Plan and taking a fresh look at the Future Land Use Map. The suitability of land uses throughout the City will be considered as part of this process. It is preliminarily expected that re-evaluation of the subject area will support the same land uses as noted in the existing Future Land Use Map for this area, due to the proximity to the existing downtown core.

The site is currently proposed to be developed by, and the rezoning proposal is at the request of, the same company that has entered into a development agreement with the City to develop multi-family housing on the City's adjacent property facing East Meeting Street. The current proposal is to develop the subject site with higher density housing than can be obtained in Zone HID, noting that a rezoning would allow any permitted use in CBD to be developed on the site. There are no uses permitted in Zone CBD that are not also permitted in Zone HID; however, higher densities, reduced setbacks, and reduced parking and landscaping requirements could be achieved. The

consideration should be whether the permitted uses, and base or performance density and dimensional standards, are suitable for this site.

Staff recommends support for this rezoning and the Planning and Zoning Commission unanimously recommended approval of the rezoning proposal.

No one came forward to speak for or against this recommendation. Mayor Thompson closed the Public Hearing at 6:37 p.m.

Upon motion by Councilmember Jernigan, seconded by Councilmember Hawkins, and carried unanimously, the Council approved the rezoning of 500 East Union Street (2703387385), 501 East Meeting Street (2703389210), 0 East Meeting Street (2703389244), 503 East Meeting Street (2703389288), and 505 ½ East Meeting Street (2703389385), shown on the Mission 2030 Comprehensive Plan Future Land Use Map as Commercial/Residential Mixed land from Zone High Intensity District (HID) to Zone Central Business District (CBD), and the proposal is considered reasonable for the following reasons:

- existing multi-family residential, commercial development, and vacant land able to be developed with those same uses surround, or immediately adjoin, the subject site on most sides;
- any lots in close proximity to the subject site developed with single-family housing are also able to be developed with similar, or more intense, uses as that in Zone CBD, upon appropriate application;
- utility or traffic impacts as a result of any future development of the site would be expected to be addressed by the developer at the time of development;
- the additional density available in Zone CBD, should the site be developed with housing, would fulfill a significant community need; and
- the proposed rezoning is consistent with the Mission 2030 Comprehensive Plan Future Land Use Map.

2. Public Hearing and Consideration of a Request to Rezone the Property Listed as 770 Kirksey Drive from Exclusive Intensity District Corridor Overlay (EID CO) to High Intensity District Corridor Overlay (HID CO)

Mayor Thompson opened the Public Hearing at 6:39 p.m.

Wendy Smith, Development & Design Director, stated that the properties are located on either side of Kirksey Drive adjacent its connection with East Union Street. The site is currently zoned EID with Corridor Overlay and Flood Damage Prevention Overlay and is proposed to be rezoned to HID while retaining the Corridor Overlay and Flood Damage Prevention Overlay.

The Exclusive Industrial District is established as a district intended to provide for manufacturing, warehousing, transportation, utility, and similar uses. The further growth of non-industrial development is prohibited to preserve land for industrial purposes.

The High Intensity District is established to accommodate high density residential and wide variety of civic, institutional, retail, service, and office uses along major arterials within the City and to ensure these uses are attractive, functional, and do not have a harmful effect on adjacent neighborhoods or other commercial areas of the City.

The intent of the Corridor Overlay is to establish a minimum standard of development along the main thoroughfares within the City to enhance the appearance of Morganton and promote attractive and stable economic development. This overlay applies to any portion of the property within 250 feet of Kirksey Drive.

The intent of the Flood Damage Prevention Overlay is to enforce the provisions of the City's Flood Damage Prevention Ordinance.

No changes are proposed to either Overlay District as part of this proposal.

Land surrounding the subject properties is located in Zone EID but vacant and undeveloped, or developed with mobile homes, except for the site across East Union Street where Seiren is located. Farther to the northwest of the subject site are lots located in Zone Medium Intensity District with Manufactured Housing Overlay that are nevertheless currently developed with large lot single family homes and accessory structures.

The Flood Damage Prevention Overlay covers almost all of the lot to the east of Kirksey Drive and approximately 40 percent of the larger lot to the west of Kirksey Drive. Development may occur within the area of the lots covered by the Flood Damage Prevention Overlay with appropriate permits to mitigate any impacts from flooding.

The City's Mission 2030 Comprehensive Plan's Future Land Use Map indicates that the subject parcel's future land use should be General Commercial/Retail, which is consistent with the current proposal to rezone to HID where the largest variety of commercial and retail uses are allowed.

Attachment C compares the permitted uses and options for density and dimensional standards for the two base zones. Rezoning the site to HID could allow any of the uses listed under HID in the table of uses, as well as the setback and height allowances under the base standards for HID. Should a proposed development achieve appropriate performance standards, the HID performance standard density and dimensional standards would apply. The consideration should be whether the permitted uses, and base or performance density and dimensional standards, are suitable for this site.

The City is currently undergoing an update to the Comprehensive Plan wherein the suitability of land uses will be reconsidered. It is preliminarily expected that re-evaluation of the subject area will continue to support transition of this area to more commercial/retail and other high intensity development uses.

Staff recommends support for this rezoning and the Planning and Zoning Commission unanimously recommended approval of the rezoning proposal.

No one came forward to speak for or against this recommendation. Mayor Thompson closed the Public Hearing at 6:43 p.m.

Upon motion by Councilmember Hawkins, seconded by Councilmember McSwain, and carried unanimously, the Council approved the rezoning of 770 Kirksey Drive (2714009151) and 0 Kirksey Drive (2714102084), shown on the Mission 2030 Comprehensive Plan Future Land Use Map as General Commercial/Retail land from Zone Exclusive Industrial District with Corridor Overlay and Flood Damage Prevention Overlay to Zone High Intensity District with Corridor Overlay and Flood Damage Prevention Overlay, and the proposal is considered reasonable for the following reasons:

- the proposed rezoning is consistent with the Mission 2030 Comprehensive Plan Future Land Use Map;
- the proposed rezoning can be considered consistent with the 2015 Zoning Ordinance change to include residential development in all areas available for commercial uses;
- the additional density available in HID, should the site be developed with housing, would fulfill a significant community need;

- permitted uses in the Exclusive Industrial District include uses that could have potential off-site impacts that would not be favorable adjacent to the existing residential dwellings in the locality;
- preserving the Corridor Overlay will ensure consistency of development with a pleasant presentation to the streetscape for passersby along the Kirksey Drive frontage;
- preserving the Flood Damage Prevention Overlay will ensure suitable development in flood-prone areas; and
- utility or traffic impacts from future development can be managed at the time of development.

B. Other Business

1. Consideration of Award of Contract to McGill Associates for Engineering Services for Stormwater Planning

City Manager Sandy advised that the City was awarded and has accepted a \$400,000 planning grant for stormwater. There is a need for services of a consulting engineer to assist with the scope of work for this grant. Staff issued an RFQ and received three responses. Those responses were evaluated by staff. After evaluating the original responses, interviewing firms and reviewing follow-up information, it is recommended we accept the McGill Associates proposal. The scope of this proposal includes mapping and evaluating all of our existing stormwater system for the \$400,000. The other two responses did not include mapping and evaluating all of our existing stormwater system.

Upon motion by Councilmember Cato, seconded by Councilmember Jernigan, and carried unanimously, the Council approved a contract with McGill Associates to complete the scope of work related to planning for stormwater, not-to-exceed the amount of \$400,000, and authorizing the Mayor and/or City Manager to execute such contract and any other necessary documents.

2. Consideration of a Resolution in Support of Funding to Re-Establish Passenger Rail Service for Western North Carolina

The Western North Carolina Rails Committee requests that the City of Morganton adopt a resolution in support of passenger rail in Western North Carolina. The City of Morganton has been cooperating with the WNC Rail Committee since its inception. Staff recommends accepting this resolution.

Mayor Thompson read the resolution and then asked Mimi Phifer (member of the local committee, "Waiting for the Train") to come to the podium. She provided more information and asked the Council to accept the resolution as read by Mayor Thompson. She announced their next meeting, October 18th, 5:30 p.m., at the Collett Street Recreation Center and encouraged attendance.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and carried unanimously, the Council adopted a resolution (Resolution 23-30) in support of funding to re-establish passenger rail service for Western North Carolina.

3. Appointments to Boards and Commissions

a. Morganton Housing Authority

There is currently one vacancy on the Morganton Housing Authority Board. The current Resident board member, Judy Owensby, resigned due to health reasons. Ms. Owensby has been a

consistent member of the MHA board and has served in an exemplary manner.

Victoria Smith, Executive Director, has sent a request to have Harry L. Corpening appointed to replace Ms. Owensby.

This is a Mayoral appointment.

Mayor Thompson appointed Harry L. Corpening to the Morganton Housing Authority Board as the Resident board member for a term to expire February 1, 2027.

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

A. Call for a Public Hearing to Consider an Economic Development Incentive

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, the Council called for a Public Hearing on Monday, November 6, 2023 at 6 p.m. to consider a potential economic development incentive in the form of a State building re-use grant for a project identified, for confidentiality purposes, as Project Fern.

XIV. Reports

XV. Adjournment – Mayor Thompson adjourned the meeting at 6:57 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.



Ronnie Thompson, Mayor



Renee C. Carswell, City Clerk

