

MINUTES
REGULAR MEETING
CITY COUNCIL

April 5, 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 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.

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

III. Pledge of Allegiance to the Flag – The Pledge was led by Mayor Pro-tem Cato.

IV. Invocation – The invocation was given by the Rev. Latrese Lyerly, New Hope in Christ Baptist Church.

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

VI. Public Advocacy Issues and Strategies

a. The City Manager announced that at the recent North Carolina Main Street Conference, Sharon Jablonski was named a MainStreet Champion. Councilwoman Cato presented the award to Sharon.

The City Manager stated the MainStreet Department also received an award for Economic Development for the streateries, parklets, and curb-side dining to help downtown businesses during the COVID pandemic. Councilman Hawkins presented the award to MainStreet Manager Abby Nelson stating it was an honor to present the award. He stated that during a time when businesses and workers were stressed they came up with a great plan to help keep businesses in business and workers with jobs.

Nelson stated it takes the entire City team to make the vision happen. She thanked all of the departments that helped get the streateries and parklets in place. She stated the parklets continue to be a blessing to our downtown businesses. She again thanked the Council for their support.

Cultural & Creative Arts Director Sharon Jablonski shared information about Poetry Month. She stated that in the upcoming weeks citizens should be seeing poetry around the City. She stated the Greenway busses will have poetry on the busses, there will be "rain" poetry on sidewalks, that can only be seen when the pavement is wet, and there are coffee sleeves with poetry being handed out. She stated the new Cultural Arts Commission, Adventure Bound Books and Red Hawk Publications held a poetry contest. She stated there were two divisions: adult and youth. She introduced Kira Freeman, adult winner, who read her winning poem, and stated that Samantha Winebrock placed first in the youth division.

b. The Mayor read a proclamation announcing Child Abuse Prevention Month. Councilman Jernigan then presented the proclamation to Lisa Schell of the Burke County Public School FUTuRES Program. Schell stated this is a time for communities to come together to build caring connections and supportive environments for our children. She stated that pinwheels were adopted in 2008 as the national symbol for Child Abuse Prevention awareness. She said they started pinwheel gardens in Burke County in 2010 with a goal to increase areas with pinwheel gardens and there are now 53 sites around Burke County. She then handed pinwheels to each councilmember saying they could add to an existing pinwheel garden or start their own.

Upon motion by Councilman Hawkins, seconded by Councilman McSwain, and carried unanimously, the Council approved the proclamation.

c. The Mayor announced the following upcoming events in downtown. He stated there would be a Sale-A-Palooza on April 30 and May 1 saying shoppers should look for balloons and signs marking participating stores. He then announced that the Farmers' Market season begins May 1. Markets will be held on Saturdays at the Beach Street Market location and on Wednesdays at the mini-market site on North Green Street.

VII. North Carolina Municipal Power Agency Number 1 Update

•The City Manager stated that Council is asked to consider a Resolution Supporting the Passage of Legislation in the General Assembly of North Carolina regarding Senate Bill 323 and House Bill 257. The bills authorize the NCMPA1 to invest funds with the NC State Treasurer.

Upon motion by Councilman Hawkins, seconded by Councilman McSwain, and carried unanimously, the Council approved Resolution #22-11 Supporting the Passage of Legislation in the General Assembly of North Carolina (Senate Bill 323 and House Bill 257).

•The City Manager stated that Council is asked to support a Proclamation Honoring Dan R. Brown for his continued work for the City of Morganton and for his recent service on the ElectriCities Board of Directors.

Upon motion by Councilwoman Cato, seconded by Councilman Jernigan, and carried unanimously, the Council supported a Proclamation Honoring Dan R. Brown. Councilman McSwain presented the proclamation to Brown. Brown stated it has been an honor and privilege to represent the citizens of Morganton, the Council and staff.

VIII. 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 McSwain, 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 March 1, 2021 and a Special Meeting held on March 22, 2021 as submitted.
- B. Approved tax releases in the amount of \$320.81.
- C. Approved the Downtown Calendar of Events for 2021 and Ordinance #21-12 Scheduling Temporary Closures of Certain State Highways for City Sponsored Special Events for 2021.
- D. Authorized and approved the revisions, as worded, to the Standards and Specifications for Water Lines and Sewer Lines.
- E. Approved a budget amendment (Ord. #21-11) in the amount of \$4,469.34 to recognize receipt of insurance reimbursement for a Public Works vehicle.
- F. Approved Ordinance #21-13 to accept the dedication by Airlie of a new Beach Street Right-of-Way.
- G. Approved Resolution #21-12 and #21-13 authorizing application for financing through the Department of Environmental Quality.

IX. Items Removed from Consent Agenda

X. New Business

1. Consideration of a Resolution Approving Financing Terms / Community House

The City Manager stated the proposed resolution allows the City of Morganton to enter into an amended contract with Truist (BB&T) for the original financing of the Community

House Renovation Project. The original loan began in 2017 for \$1,290,000 at 3.23% interest for a term of 15 years. The amended contract will resume the current payment term with the remaining 11 years for the current outstanding principal amount of \$946,000 at 2.25%. The amended interest rate will allow the City to save approximately \$50,000 in interest expense.

Upon motion by Councilman Hawkins, seconded by Councilman Jernigan, and carried unanimously, the Council adopted Resolution #21-14 Approving Financing Terms with Truist (BB&T) in the amount of \$946,000 at an interest rate of 2.25% for a term of 11 years.

2. Consideration of Award of Bids for Work on the Burke Business Park Electric Line

The City Manager stated that the City has been planning electric service to the Burke Business Park for years. The construction of the water tank on the property has necessitated that the City staff take the necessary steps to acquire right-of-way, design, and contract for the construction of the service line needed to provide electric service. The property continues to be marketed by BDI, Inc. as a site for economic development.

The Electric budget for fiscal year 2020-2021 included CIP funds of \$540,000 for this project. All right-of-way has been acquired. Southeastern Consulting Engineers, Inc. (Southeastern) has designed and bid the tree clearing and line construction work for this project.

Bids were received at City Hall on Thursday, March 25, 2020 for the line construction work. Four bids were received including two no bids. See attached bid tabulation. The lowest, responsive bidder is Carolina Power and Signalization from Fayetteville, NC with a bid of \$293,511.37. An alternate bid for a second circuit was received. Funding does not allow for the construction of the second circuit at this time.

The bids for the tree clearing work required so the line work can be performed were received by Southeastern. Two bids were received. The lowest bid is from Wolf Tree at \$181,071.72. Wolf Tree is on the approved contractor list with ElectriCities. This is about \$60,000 more than our original estimates, but the work is critical to the remainder of the project. The cost overrun can be absorbed with savings on the construction portion and a budgeted CIP project not occurring this year. No budget amendment is required.

Staff recommends awarding these contracts to the low bidders as completion of the project is critical to provide electric service to the water tank currently under construction. The time frame to complete this project is estimated at 10-12 months.

Upon motion by Councilman Jernigan, seconded by Councilman McSwain, and carried unanimously, the Council approved a contract with Carolina Power & Signalization of Fayetteville, North Carolina in the amount of \$293,511.37 for line construction.

Upon motion by Councilman McSwain, seconded by Councilman Hawkins, and carried unanimously, the Council awarded a contract to Wolf Tree in the amount of \$181,071.72 for tree removal and clearing services.

3. 30- Day Notice Boards and Commissions

a. Human Relations Commission – The Mayor stated that due to upcoming expiration of terms, vacancies will exist on the Human Relations Commission. If interested in volunteering for a vacancy applications are available online or by contacting the Clerk's Office.

XI. Other Items from City Manager and City Council Not on Agenda – The Mayor asked the City Attorney to give an update on Senate Bill 349 which has to do with single family zoning.

The City Attorney stated this is a recently introduced bill that would affect local zoning authority. He says the bill is purported to encourage affordable housing by doing away with single family zoning. He stated the League of Municipalities strongly opposes the bill. He stated we all agree on the need of affordable housing but this is like taking a sledgehammer to the problem while doing away with local authority for zoning matters. He asked Council if they would like to have staff direct lobbying toward this issue.

Councilwoman Cato stated we need to take a hard look at this as it can affect economic development options. The City Attorney stated this bill has considerable backing in the Legislature.

Councilman McSwain asked if this is driven by the larger cities. The City Attorney stated it affects everyone; that is one reason the League is concerned because it is a one-size-fits-all solution. He stated there is a great deal of support from the homebuilders, however he does not know what the REALTOR Association has to say.

The City Manager stated it is always dangerous when there is an opportunity to take those decisions away from local communities.

It is the consensus of the Council to work with the lobbyists to oppose this bill.

•The Mayor stated that Councilman Jernigan would like to share some information.

Councilman Jernigan stated there has been continued discussion of the Confederate Monument on the Courthouse Square. He stated that after hearing from many constituents on both sides of the issue, he would like to make the following motion:

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council authorized City staff to write a letter to the Burke County Commissioners encouraging them to facilitate discussion between parties who want to

see the Confederate Monument and Statue remain on the Courthouse Square and those who would like to see it removed. And to further offer to allow the monument and/or statue in part or whole to be relocated on property within Forest Hill Cemetery should the County Commissioners decide to remove it from the Courthouse Square.

The Mayor asked the City Attorney to clarify Article 100 of the General Statutes.

The City Attorney stated that N.C.G.S.100-2.1, adopted in 2015, addresses this question. He stated that an object like the Confederate monument here on public property can only be moved under extremely limited circumstances. If it must be moved it is required to move to a place of similar prominence. He stated that it cannot be moved to a cemetery or mausoleum unless it was in such a place originally. He stated the statute has some potential loopholes but there are legal hurdles to jump through.

XII. Reports – Reports were distributed to Council.

XIII. Adjournment – The Mayor adjourned the meeting at 6:38 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