

MINUTES  
REGULAR MEETING  
CITY COUNCIL

September 14, 2020

Ronnie Thompson, Mayor

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

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

Linda Fafard, Interpreters  
Tiffany Patterson

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

II. Public Comment – Due to COVID-19 restrictions and limited access into the Council Chamber, Public Comments were accepted via email, U.S. mail, hand-delivered letters or by making an appointment to enter into the Council Chamber at the time of the Public Comment period.

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

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

IV. Invocation – The invocation was given by Pastor Wayne Johnson, Sr. of Shiloh AME Church.

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

VI. Retirement Resolutions

a. The Mayor read a resolution honoring Joseph Earl Jones who retired from the City of Morganton on July 1, 2020 with 4 years, 11-months' service. Jones retired from the Public Safety Department as Public Safety Officer-Special Assignment.

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council approved Resolution #20-18 honoring retiree Joseph Earl Jones.

Mayor Pro-tem Cato presented Officer Jones with his resolution. Retired Officer Jones thanked the City, Public Safety, and the citizens for the opportunity to work for the City of Morganton.

Historically, the City has followed the North Carolina General Statutes and awarded a retiring member with their service weapon along with their fire services helmet. This has been done by the Council declaring the particular items as surplus and then allowing someone to purchase the weapon for the officer for a fee of one dollar.

PSO Jones has complied with the North Carolina General Statutes in regard to obtaining a valid gun permit for the weapon. City staff recommends that his weapon, a Glock 22 Gen 4 semi-auto pistol, serial number XHY545, and a Cairns fire services helmet model 1044, serial number FH113, be declared surplus, sold for one dollar, and presented to retired PSO Jones.

Upon motion by Councilman Jernigan, seconded by Councilman Hawkins, and carried unanimously, the Council declared the weapon, Glock 22 Gen 4 semi-auto pistol, serial number XHY545, and a Cairns fire services helmet model 1044, serial number FH113, as surplus, sold for one dollar (paid for by the City Manager), and presented to retired PSO Jones.

VII. Service Pin – The Personnel Committee and City staff have decided to recognize long-term employees for years of service at a Council meeting. The following service pin recipients were announced and presented their service pins.

- Earl Franklin, an Expert Equipment Operator in the Public Works Department with 20-years' service, was unable to attend the meeting. Earl's Department Director will present his service pin to him at a later time.
- Harrell Stines, a Mechanic in the Public Works Department with 25-years' service, was unable to attend the meeting. Harrell's Department Director will present his service pin to him at a later time.

#### VIII. Public Advocacy Issues and Strategies

a. Matthew A. Selves is a Public Safety Risk Management Consultant with the North Carolina League of Municipalities. He thanked the Mayor and Council for taking the time to recognize the Morganton Public Safety Department for completing the League's "Law Enforcement Risk Management Risk Review". Selves stated they specifically look at high liability areas within a department including police vehicle operations, response to active resistance, evidence processing, employment practices and procedures; 36 categories in all. He stated the review is supported by the North Carolina Chief's Association.

Selves stated he was proud to report that Morganton Public Safety has successfully completed the Law Enforcement Risk Review Process 3-year renewal. He stated that

MDPS was proactive and involved during the process. He stated that Chief Lowdermilk, Major Lander, and all the staff were very open and transparent during this important process. He stated he spent over 23 years in law enforcement, 12 years as a Police Chief, and MDPS demonstrates a high level of commitment to this community. They enhance professional policing and positively impact the community.

Chief Lowdermilk stated he feels this validates the sound practices, policies and procedures of MDPS. He stated this is a reflection of the professionalism of all the men and women at the Public Safety Department.

b. ElectriCities Safety Award – The Mayor announced that the City of Morganton’s Electric Department received the ElectriCities Safety Award for no lost time accidents during 2019. Mark A. Todd, Senior Safety & Training Specialist for ElectriCities of North Carolina, Inc., presented the award to Brooks Kirby, Electric Services Director, and members of the Overhead Line Crew, on September 1, 2020, at the Catawba River Soccer Complex in Morganton. Brooks Kirby stated he was honored to accept this award on behalf of the crew in the Electric Department. Kirby praised the employees for following the safety policies and thanked the Council for supporting the department.

c. Human Relations Commission Update: Pastor Wayne Johnson, Sr., Chairman of the Morganton Human Relations Commission, gave an update to the Council on their activities and future plans. He stated that at the HRC September 3 meeting there was consensus that the by-laws may need some revisions which they will be reviewing over the next few meetings. Pastor Johnson then summarized three “purposes” of the HRC, those being:

1. Promote an open community by promoting understanding of human relations; investigate and study problems, complaints, and specific situations; and make recommendations to the City to facilitate orderly change to solve issues of oppression, discrimination, and injustice.
2. Serve as a conduit and an advisory board to the Mayor and City Council. Citizens can bring issues to the HRC, HRC can investigate issues and make recommendations to Council on how to improve relationships in the community.
3. Serve as a “coordinating agency” in the community to partner with other groups and individuals with missions in line with the purpose of the HRC, and conduct programs to promote equal rights and understanding.

Pastor Johnson stated the HRC would like to increase the number of representatives on the Commission, an item to be considered later in the meeting. He stated they have heard lately that the HRC is the “best kept secret in Morganton”. To that end, there is a link to the HRC on the homepage of the City website, they are working on a Facebook page, and have an email address for people to send concerns directly to the HRC. He

stated the public is welcome to come to their meetings which are posted on the City calendar.

d. Recreation Director Rob Winkler gave Council an update on recreation programming. Winkler stated that plans are changing constantly due to COVID-19 restrictions. He says the outdoor seasons have been good and have been appreciated by the public. He stated the department is looking forward to opening the indoor facilities in phases. He stated the current limit is a maximum of 25 people inside. He stated they hope to have some small rentals, programs such as the JAMs program, open swim and small exercise classes, as well as opening the weight room. He stated they will post information on the website and social media.

The Mayor asked for an update on the new soccer fields. Winkler stated work continues with a lot of the concrete work finished and the asphalt is anticipated to be laid within the next few weeks. Winkler stated the fields are growing in very well.

The Mayor said the most asked question last week was would the City be hosting Halloween Hayrides. Winkler stated they were still looking at the possibility but it would be difficult and as of now it's not looking likely. He stated that State guidelines make it difficult for workers to be in that close of proximity during set-up as well as citizens waiting in lines.

Councilwoman Cato asked if the parks reopening has been smooth. Winkler stated things have gone really well. He stated they have noticed a lot of folks keeping socially distant and at the splash pads it seemed parents were monitoring the distancing for their children. He stated the splash pads will be open through the end of September. He stated that people are very appreciative of being able to be out in the parks and are using the park areas responsibly.

The City Manager asked Winkler to talk about the cleaning and sanitizing of park areas. Winkler stated the department is using a company to help sanitize bathrooms weekly as well as the daily cleaning by staff. He stated when buildings begin to reopen they will require masks inside buildings.

•The City Manager stated that City Hall has been using the sanitizing service also. She stated that City Hall would reopen on Monday, September 21. She stated that masks would be required to enter the building. She also said that there was spacing set-up at the bill paying area to help keep visitors socially distanced. She encouraged customers to continue making payments at the drive-up window, use the auto draft system, make phone transactions, and utilize the drop boxes.

e. The Mayor read a proclamation announcing Constitution Week 2020 as September 17-23. The proclamation urges citizens to study the Constitution and reflect on the privilege of being an American.

City Attorney Vinay read a note sent in by the Quaker Meadows Chapter of the DAR thanking the Council for the proclamation.

f. The Mayor read a Certificate of Appreciation to be presented to Becky Brinkley. Brinkley has served as Interpreter for the Deaf at City Council meetings for over 18 years. The certificate was issued in recognition of her valuable and distinguished service to our community.

g. The Mayor announced that the Farmers' Market continues on Saturdays and Wednesdays. The Mayor also announced the upcoming Third Thursday Art Crawl date was changed to October 15, 5:00 – 7:30 p.m.

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 Councilman McSwain, 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 as submitted for a Regular Meeting held on August 3, 2020 and a Special Meeting held on August 3, 2020.

B. Reappointed Jennie McNeilly as Tax Collector for a period of September 1, 2020 through August 31, 2021.

Approved a Resolution #20-19 Adopting an Order Directing the Tax Collector to Collect Taxes.

C. Approved a budget amendment (Ord. #20-26) for Public Safety to receive grant funds in the amount of \$8,155 from the Kate B. Reynolds Foundation and the USDOJ Bulletproof Vest Partnership.

D. Approved pay ranges and job classification title changes dated September 14, 2020.

E. Approved HUD Estoppel Certificate, and Subordination, Non-Disturbance and Attornment Agreement, related to City's lease of portion of Morganton Trading Company's condominium unit #1, and to authorize the Mayor and/or the City Manager to execute the same.

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

## XII. New Business

### 1. Consideration of Approval of Memorandum of Understanding with Homes Urban, Inc. for Sanitary Sewer Services at “Silo Ridge” Project

The City Attorney stated Homes Urban, Inc., is a major developer based in Greenville, SC, which has contracted to buy a large tract of land on the old Broughton Hospital campus, partly from the State but mostly from Western Piedmont Community College (“WPCC”). On this property, which includes the existing “silo barns” and nearby structures, Homes Urban plans to develop a large apartment complex, preserving the iconic barns and silos as space for offices, activities and commercial use. Homes Urban has designated this project as “Silo Ridge”.

WPCC currently uses most of this area for educational and agricultural purposes, and it is already served by City water, sewer and electric utilities. The scale of the Silo Ridge project—which may include up to 240 residential apartments—is such that extensive utility improvements will be required, including an entire new sanitary sewer line. Homes Urban will pay for and construct the “internal” sewer service lines within the development, but a major new line is necessary, to connect to the City’s existing sewer main along Hunting Creek on the WPCC property. This line will initially serve Silo Ridge, and WPCC’s existing Building K, but will also provide for future development along the eastern ridge of the old Broughton campus and the WPCC property.

The proposed MOU provides that the City will design, engineer and construct the new sewer line, and that Homes Urban will pay the full costs of construction. Once complete, the line (up to the meter point) will be operated and maintained by the City as part of our public sewer system. The Silo Ridge project will use a single “master meter”, with the owner paying all water and sewer billing for the entire development directly to the City, and collecting any appropriate charges from the tenants or occupants of the individual units.

The Mayor asked if this line would serve only Silo Ridge. The City Attorney stated that it will also serve Western Piedmont Community College’s K building. It could be used for future development on the ridgeline.

Councilwoman Cato stated to make it clear, this is currently State property, but once it’s sold it becomes taxable. She then asked if there is a timeframe for the project. The City Manager stated it would become taxable once sold. They hope to close on the property in December and then will be ready to begin construction.

The Mayor questioned whether the City would begin construction on the sewer lines prior to the closing. The City Attorney stated he did not think construction would begin prior to closing. Councilwoman Cato said design work has been done for the purposes of closing and the City Manager stated we needed that for permitting from the State.

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council approved a Memorandum of Understanding with Homes Urban, Inc., for construction and maintenance of sanitary sewer services at the "Silo Ridge" project, and to authorize the Mayor and/or the City Manager to execute the same.

## 2. Consideration of a Resolution Extending Temporary Outdoor Dining Guidelines

The City Manager stated the City Council had originally agreed that the Streatery on King Street, the various parklets and the closing of Concord Street in the evenings for Catawba Brewery, could stay in place until September 1, 2020. The Mainstreet Department requestd that the Streatery, parklets and evening street closings for Catawba Brewery be extended for several months. Sharon Jablonski stated that additional seating has made a difference and information from businesses is that they fearful of the winter if the phasing continues to hold the allowed numbers so low.

Sharon reached out to each of the businesses directly affected by the outdoor extensions. They were very positive in their review. Some noted that the parklet was 40% of their business, others as much as 60% of their business. Root and vine managed to do the same amount of business this July as July 2019. Finally, Sharon adds that the number one comment concerning the parklets and streatery is they make the downtown look active and inviting; that alone is invaluable.

Jablonski stated that she does however recognize that not everyone is positive about the streateries and parklets. One constant question concerned enough seating in the streatery , so two more tables, chairs and umbrellas have been added and a sign placed on both denoting them as 24/7 community seating. That seems to have stopped those concerns. Another consistent concern is the inconvenience to get between Meeting Street and Union Street, however it seems the positives continue to outweigh the negatives.

Jablonski shared the following comments from local businesses:

*Following the Governor's Executive Order allowing restaurants to reopen at limited internal seating the parklets were a godsend, allowing Homer's to gain much needed outdoor seating and retail space and provided customers a comfortable and safe dining environment. All the parklets and the Streatery are very well done, beautiful, and give the downtown a lively, colorful and welcoming feel, benefiting every business and citizen of Morganton. Many of our customers, local and out of town have commented on how vibrant and happening it makes the city feel. Please let the parklets and Streatery continue. – James F. McGimsey, Ph.D., Homer's*

*The Parklets/Streateries have had a positive impact at The Natural Olive & Co. We have not only seen an increase in our sales but our customers our constantly telling our staff how much they enjoy them and how they feel safe to drink their*

*glass of wine/beer. We hope City Council will allow us to keep them since we are still in "phase 2." I also feel keeping them permanently would have a positive impact on our community.* – Linda Knollmeyer, The Natural Olive & Co.

*Sharon the parklets have been about 40% or more of our business. People feel safer outside. We dread this winter and hope this can be extended as long as possible.* – Mike Brown, Brown Mountain Bottleworks

*Our business is predominantly online and we have been steady throughout the pandemic. While it does not always result in sales, we have seen a significant increase in walk-in traffic.* – Joe Carey, Manager, Oak Hill Iron Works

Upon motion by Councilman Hawkins, seconded by Councilman Jernigan, and carried unanimously, the Council approved Resolution #20-20 extending temporary outdoor dining guidelines for up to three months.

### 3. Consideration of Amendment to the Human Relations Commission Ordinance

The City Attorney stated that Section 2-7163 of the City Code of Ordinances establishes membership of the Human Relations Commission (HRC) at twelve (12) members. Of these twelve, three of the positions are dedicated from certain organizations: 2 high school students (one from Freedom, one from Patton) and one member from the Public Safety Department. While not required in the Ordinance, it has become a practice to have representatives from NAACP, Burke United Christian Ministries, and the Burke County Public Schools as well, essentially leaving six positions to at-large membership.

At the September 3, 2020 HRC meeting, Commission members discussed requesting City Council to expand the allowable membership of up to sixteen (16) members. The Commission feels this will allow for additional participation of interested parties and representatives of different segments of the community. On behalf of the Commission, staff asked Council to consider expanding the membership of the HRC.

Upon motion by Councilman McSwain, seconded by Councilwoman Cato, and carried unanimously, the Council approved amending the first sentence of Section 2-7163 of the Morganton Code of Ordinances (Ord. #20-27) from “The Human Relations Commission shall consist of twelve (12) members to be appointed by the Mayor” to “The Human Relations Commission shall consist of no fewer than twelve (12) members and no more than sixteen (16) members to be appointed by the Mayor.”

### 4. Consideration of Appointment to Boards and Commissions

a. Human Relations Commission – At the June 2020 HRC meeting a resignation from this Commission created a vacant position. Stefonia Vaught has expressed interest and filed an application to fulfill this vacant term. It was recommended that she be appointed to the Human Relations Commission to complete the term which will expire in May 2021.

The Mayor appointed Stefonia Vaught to the HRC to fulfill a term to expire in May 2021.

b. Planning and Zoning Commission – The City Manager stated there are three vacancies on the Planning & Zoning Commission. One is a City resident appointment and the other two are County appointments.

Kevin Kee has expressed an interest in joining the Planning & Zoning Commission. Mr. Kee is a City resident. It is recommended by staff that he be appointed with a term to expire on June 1, 2023.

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council appointed Kevin Kee to the Planning and Zoning Commission for a term to expire on June 3, 2023.

5. Consideration of Calling for a Special Meeting to Receive a Proposed Draft of the 10-year Asset Management Plan for Electric

The City Manager stated the City owns and operates an electric system that provides electric service to its citizens. Best practices of operating an electric distribution system call for long-term planning of future asset investments. The City retained Southeastern Consulting Engineers, Inc. (Southeastern) to perform a system evaluation and planning study. The intention of this report is to present, discuss, and provide a record of the conclusions and recommendations developed in the study. The recommendations outlined in this report are designed to provide a guide for the planning needed to increase the capacity of the existing distribution facilities over the next ten years to serve an anticipated 2030 peak load of approximately 78,810 kW.

The City Manager stated this ten-year plan will be used in budgeting and rate setting. As with all long-range planning constant re-evaluation of the plan will be required. Planning for maintenance, replacements, and new investments in our system ensure our ability to supply reliable service to our community.

The Council will consider adopting this plan at the regular meeting on Monday, October 5, 2020 after a presentation of the plan by Southeastern Consulting Engineers at a special meeting prior to the regular meeting.

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council called for a Special Meeting of City Council on Monday, October 5, 2020 at 4:15 p.m. in the Council Chamber of Morganton City Hall to receive a proposed draft of the 10-year Asset Management Plan for Electric.

XIII. Other Items from City Manager and City Council Not on Agenda – Consideration of Award of CDBG-CV CARES ACT COVID-19 Grant Funds to Non-Profits FY 2019 Funds

The City Manager stated that included in the FY 2019 Amended CDBG Action Plan is \$87,803 in CDBG-CV CARES ACT Funds to assist with programs that help to prevent, prepare for and respond to the coronavirus in Morganton. The City of Morganton solicited grant requests from local non-profits for the second round of awards from the \$87,803 in August. Three applications were received on September 9, 2020 and the CDBG committee reviewed these applications based on specific requirements set forth by the CDBG-CV program. The CDBG committee would like to recommend to the Council that the following non-profits be awarded these CDBG-CV funds.

BUCM requested \$10,000 CDBG-CV funds for the Utility Assistance Program to assist with paying past due utility bills up to \$750 per household for low/mod income persons in Morganton in need of this type of assistance. The CDBG committee recommended awarding \$10,000 in CDBG-CV funds to this program.

The Outreach Center requested \$10,000 CDBG-CV funds for the Utility Assistance Program to assist in paying past due utility bills up to \$750 per household for low/mod income persons in Morganton in need of this type of assistance. The CDBG committee recommended awarding \$10,000 in CDBG-CV funds to this program.

There will be remaining CDBG-CV funds after the award of these funds to the above non-profits. The remaining CDBG-CV funds will be put into a pool for the non-profits to request additional funds as needed to prevent, prepare for, and respond to Coronavirus in Morganton.

The City Manager stated that currently there are over \$500,000 in unpaid utility bills; people are struggling.

Councilman Hawkins said he thought there was about \$20,000 more of the original pool available after this distribution. The City Manager stated there was and in another few weeks the Council would be asked to approve another round of distributions. She stated that during COVID many of the non-profits which help the homeless were required to change how they operate. The shelters are keeping people longer thus expenses have gone up. During the first round some of the money was allocated for those shelter expenses and that may happen again in the third round. She stated that right now they are really trying to help individuals. She stated that some customers have gone for almost 6 months with no payments on utility bills. The Governor's orders clearly stated that payment deferrals were not payment forgiveness. The service has been used, the cost for the service cannot be forgiven and that makes it difficult to catch-up. She stated that utility cut-offs are ugly and it is better for the customer to work with the office to make payment plans. She stated the City put all past due balances on a minimum of a 6-month payment plan. The business office staff continues to work with individuals on bringing balances current.

Upon motion by Councilman Hawkins, seconded by Councilman Jernigan, and carried unanimously, the Council awarded CDBG-CV CARES Act COVID-19 funds as specified

for Public Service Activities to local non-profits as indicated for the purpose of assisting with COVID-19 related expenses.

- The City Manager stated the ABC Board sent in their annual audit. She stated the ABC Board is a component unit of the City. She stated that by state law the Board shares their profits with non-profits for alcohol abuse education, law enforcement, as well as to the City and County. She stated that ABC revenue is really growing. She shared that this last fiscal year the City's profit distribution was \$345,000; the most we have ever received. She pointed to an interesting statistic, that being the number of bottles sold. In 2019 there were 294,585 bottles sold and in FY 2020 there were 329,482 bottles sold.

XIV. Reports – Reports were distributed to Council.

XV. Adjournment – The meeting was adjourned at 6:54 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.

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Mayor

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Assistant City Clerk