

MINUTES  
REGULAR MEETING  
CITY COUNCIL

April 3, 2023

Ronnie Thompson, Mayor

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

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

Interpreters  
Ernest Williams IV  
Danette Steelman-Bridges

- I. Call to Order - The Mayor called the regular meeting to order in the Council Chambers at City Hall at 5:00 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 comments via email, U.S. mail or hand-delivered letters were received.
  - A. Ron Michaux - Resides at 218 Laurel Hills Drive, Morganton, NC – owner of M&R Enterprises – Mr. Michaux advised that there was a homeless man arrested behind Golden Corral for indecent exposure, a portable toilet was out in the middle of a field on the side of a tree with a homeless individual sitting on it using it, etc. He stated that it has worsened within the city limits of Morganton. He showed a picture that showed trash and feces in downtown doorway. He states that this has been or is in the process of being cleaned up. He thanked the Council for allowing him to speak about the homeless situation.
- III. Pledge of Allegiance to the Flag – Councilmember McSwain led the Pledge of Allegiance.
- IV. Invocation – Given by Pastor Lisa Marshall – St. Matthews United Methodist Church.
- V. Introduction of Council – The Mayor introduced Councilmembers and staff.
- VI. Service Pins
  - A. Chief Jason Whisnant – Morganton Public Safety – 25 years – Councilmember Chris Jernigan presented Chief Whisnant with the pin. Councilmember Jernigan said that it was a great honor to present the pin to Chief Whisnant. He said that 25 years is an amazing accomplishment. He appreciates all the hard work and dedication.

Chief Whisnant stated that he still has the first pay stub he received in 1998. He said that he appreciates City Manager Sandy and the whole City team for their support and commitment.
- VII. Public Advocacy Issues and Strategies
  - A. City of Morganton Recreation Easter Egg Hunt is rescheduled for Wednesday, April 5<sup>th</sup>, 5:30 to 6:30 pm.
  - B. Recognition: North Carolina Department of Commerce recognized the City of Morganton Grounds Team as a 2022 North Carolina Main Street Champion

for their contributions to the City of Morganton Downtown program. The grounds team is made up of Public Works employees.

Mayor Thompson introduced Abby Nelson, Main Street Director, to speak. She asked Jim Pless to join her. She stated that under Jim's leadership and guidance the Downtown area of Morganton is beautiful. She said that it is an honor to recognize the Public Works grounds crew as the 2022 Main Street Champions. Mr. Pless stated that he is proud of his team and gave them all the credit. He thanked everyone for their support.

- C. Announcement: Friends of Fonta Flora State Trail would like to solicit community input on 26 miles of Fonta Flora State Trail corridor in McDowell County and a 3-mile planned connection to the Town of Glen Alpine in Burke County. The community input sessions will take place from 5:30 - 6:30 p.m. Tuesday, April 4<sup>th</sup> at the Old Fort Train Depot at 25 W. Main Street in Old Fort, and from 6:00 – 7:00 p.m. Thursday, April 6<sup>th</sup> at the Glen Alpine Town Hall at 103 Pitts Street in Glen Alpine. Comments from the public are welcome. For more information, visit [www.fontaflorastatetrail.com](http://www.fontaflorastatetrail.com).
- D. Announcement: The gym area at Mountain View Recreation Center will be closed for the next 4 to 6 weeks due to gym floor restoration.
- E. Proclamation: Burke County Chamber of Commerce Second Annual Litter Sweep Week – April 24 – 29, 2023. Accepted by: Tonia Stephenson, President/CEO of the Burke County Chamber of Commerce.

Mayor Thompson read the proclamation. Tonia Stephenson, President/CEO of the Burke County Chamber of Commerce, came forward to receive the proclamation from Councilmember Chris Hawkins. Hawkins thanked her and her staff for their hard work. Ms. Stephenson introduced Jenna Cole as the organizer for Litter Sweep Week and thanked the Council for their support. She encouraged individuals, groups and local businesses to form teams. The kick-off event will be on April 20<sup>th</sup> and a celebration event will be on May 11<sup>th</sup>.

- F. Mayor Thompson announced the following City events:

- **Downtown/City Hall**

- Pop-Up Farmers' Market

- Saturday, April 8<sup>th</sup> from 9:00 a.m. to 1:00 p.m. at 111 North Green Street

- Art in the Hall: Signature Day Program – The Enola Group – offers creative expression and learning opportunities for adults with intellectual and developmental disabilities. Programs include the arts, by way of painting, music, graphic art, theater, pottery, fabric and mixed media. The Signature Day Program works to promote a supportive work environment, assist people to explore their creative potential, develop their unique talents and gifts, and profit from their experience. The goal is to provide meaningful activities that enhance, enrich and expand a person's life. The Enola Group finished works will be displayed in City Hall during the months of April and May 2023.

- **CoMMA Performing Arts Center**

- Monday, April 3<sup>rd</sup> at 7:30 p.m. – On Your Feet! – The Story of Emilio & Gloria Estefan

- Tuesday, April 18<sup>th</sup> at 7:30 p.m. – Amos Nachoum's Killer? A Photographic Exploration

- Tuesday, May 2<sup>nd</sup> at 7:30 p.m. - Chicago

- **Collett Street Recreation Center**

Monday, April 17<sup>th</sup> at 5:45 p.m. – Opening Night for Youth Baseball and Softball at Catawba Meadows Park – Mayor Thompson to throw out first pitch and Conrad the Crawdad will be in attendance.

VIII. North Carolina Municipal Power Agency Number 1 Update – City Manager Sandy stated that there are no updates. Over the weekend we had a few sporadic outages.

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

Upon motion by Councilmember Cato, seconded by Councilmember McSwain, and unanimously carried, the Council approved the Consent Agenda and each individual item adopted as stated, those being as follows:

A. Consideration of Approval of Minutes – For a Regular Meeting held on March 6, 2023 and for the Council Workshop held on February 24, 2023.

RECOMMENDED ACTION: Approved minutes as submitted.

B. Consideration of Tax Releases – None to report

C. Consideration of Award of Contract for Sidewalk Connector Project Located at the 200 Block of Caldwell Street

RECOMMENDED ACTION: Approved a contract in the amount of \$87,087 for sidewalk connector project located at the 200 block of Caldwell Street and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

D. Consideration of a Resolution of Support for Changes to NCDOT Intersections for Pedestrian Improvements

RECOMMENDATION: Approved a resolution (Resolution #23-11) of support for changes to NCDOT intersections for pedestrian improvements.

E. Consideration of Approval of a Budget Amendment for Insurance Reimbursement for Public Works

RECOMMENDED ACTION: Approved a budget amendment (Ordinance #23-10) in the amount of \$54,947.37 to recognize receipt of payment for insurance reimbursement for damage to Public Works Mack truck.

F. Consideration of Award of Contract for Audit Services

RECOMMENDED ACTION: Awarded a contract (#2023-19) for audit services to Thompson, Price, Scott, Adams for the fiscal year 2023/2024 (2<sup>nd</sup> year of a 3-year contract) audit at a cost of \$39,000 and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

G. Consideration of a Memorandum of Agreement with Environmental Service Consultants, Inc. to Assist with the Hunting Creek Restoration Project

RECOMMENDED ACTION: Approved a Memorandum of Agreement with Environmental Service Consultants, Inc. to assist with the Hunting Creek Restoration Project. There will be no payment for any of this work unless successful in getting money for this project.

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

## XI. New Business

### A. Other Business

1. Consideration of a Budget Amendment in the Amount of \$75,000 to Appropriate Retained Earnings for Increased Costs in Chemicals for Wastewater Treatment

City Manager Sandy advised that for the first time in 30 years she is bringing a mid-year cost adjustment for chemicals to Council for approval. The line item in Wastewater budget for chemicals (434000) is projected to be over budget by \$75,000 due to price increases for treatment chemicals. The largest increases are for polymer which is used for solids removal and chlorine gas used for disinfection.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and unanimously carried, the Council approved a budget amendment (Ordinance #23-08) in the amount of \$75,000 to appropriate retained earnings for increased costs in chemicals for wastewater treatment.

2. Consideration of a Budget Amendment in the Amount of \$169,000 to Appropriate Retained Earnings for Increased Costs in Chemicals for Water Treatment (\$85,000) and for Increased Costs in Water Treatment Related Supplies (\$84,000)

City Manager Sandy advised that the line item in the Water budget for Chemicals is projected to be over budget by \$85,000 due to dramatic price increases in raw materials and shipping. The largest increases occurred on sodium hypochlorite from \$.096/gallon to \$1.756/gallon and corrosion inhibitor (phosphate) from \$0.95/pound to \$1.13/pound. All other chemicals have shown nominal increases.

The line item for Departmental Supplies is projected to be over budget by \$84,000 due to the increase in market pricing for materials and supplies such as pipes, valves, hydrants, etc. Laboratory supply surcharges are 15-20% due to inflation and supply chain issues.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and unanimously carried, the Council approved a budget amendment (Ordinance #23-09) in the amount of \$169,000 to appropriate retained earnings for increased costs in chemicals for water treatment (\$85,000) and for increased costs in water treatment related supplies (\$84,000).

3. Consideration of Approval of a Sidewalk Encroachment Agreement for 202 South Sterling Street – Thornwell Books

City Attorney Vinay stated that the owner of 202 South Sterling has requested a formal sidewalk encroachment for purposes of outdoor seating and business use. The sidewalk exhibit attached shows a requested 4'-6" clear walkthrough sidewalk with the remaining 3'-6" of walkway for business use. The easement area shown is eight inches on the road side of the existing concrete joint that runs parallel to the building. The easement area is further defined as being 3'-6" wide as measured at the building corners, by the length of the building front façade. This width varies through the easement area, due to the relief of brick details in the façade and stairs protruding into the easement area.

This does not allow for any use, other than pedestrian, of the 4.5 feet closest to curb, as in prior easements at other locations in downtown, which allow room for such items as street furniture, easels, signs and

similar. This full 4.5 foot width is needed for pedestrian use and shall remain clear of any obstacles. Any types of street furniture will need to be placed in the easement itself. The existing city trash can will need to be relocated away from this easement.

Upon motion by Councilmember Cato, seconded by Councilmember Jernigan, and unanimously carried, the Council approved a sidewalk encroachment agreement (#2023-20) to authorize the owner of 202 South Sterling Street (Thornwell Books) to utilize the public sidewalk for outdoor seating and similar business uses and to leave 4.5 feet of sidewalk clear at all times for pedestrian movement.

Councilmember Cato stated that this has been done in the past with no issues for other businesses within the City of Morganton.

#### 4. 30-Day Notice Boards and Commissions

##### a. Human Relations Commission

Due to upcoming expiration of terms, vacancies will exist on the following Boards and/or Commissions.

- Human Relations Commission – Expiring terms:

Jennifer K. Moua  
Juan H. Monroy  
Sharley Mendoza  
Jane Gantt  
Jason Whisnant – Public Safety Representative

If you have an interest in volunteering for one of these vacancies, applications for *Request for Appointment to City of Morganton Boards and Commissions* are available during business hours from the Clerk's office or on the City website.

#### XII. Other Items from City Manager and City Council Not on Agenda

##### A. Consideration of Resolution Accepting Dedication of the Right-of-Way for Albert Tron Boulevard

City Attorney Vinay stated the new street connecting South Sterling Street and West Parker Road, behind the Longhorn Steakhouse, was constructed across property of the Stroup family, and at their suggestion is named Albert Tron Boulevard. The Stroups granted the City an easement 70 feet wide (and slightly wider at the South Sterling end) for this street. There is a recorded plat which depicts it and includes a right-of-way dedication from the Stroups as property owners. The City never formally accepted the dedication. The Burke County Tax Office has requested this be done to clarify ownership of the underlying land. Therefore, City staff requests that City Council adopt a resolution formally accepting dedication of this already-existing street.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and unanimously carried, the Council approved a resolution (Resolution # 23-10) accepting dedication of the right-of-way for Albert Tron Boulevard.

#### XIII. Reports – No reports given.

#### XIV. Consideration of a Closed Session to Discuss Legal Matters and Consult with City Attorney and to Preserve Attorney-Client Privilege as per N.C. General Statutes section 143-318.4(a)(3); and to Discuss Economic Development Matters as per N.C. General Statutes section 143-318.11(a)(4)

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and unanimously carried, the Council approved going into closed session for the purpose stated above. No decisions will be expected during the closed session.

Closed session began at 5:30 p.m.

XV. Adjournment – The Council returned from closed session at 6:20 p.m. No further business was conducted. The Mayor adjourned the meeting at 6:21 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

