

MINUTES  
REGULAR MEETING  
CITY COUNCIL

August 7, 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  
Danette Steelman-Bridges  
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.
  - a. Michael Casey – 134 Valley View Street, Morganton, NC – He said he wanted to say thank you and good-bye to the City of Morganton. He thanked the City of Morganton and stated that he appreciated living in this area. He and his wife are moving to another state to be close to family. He said that Morganton is a very welcoming community. He listed all of the things he and his wife have enjoyed as part of their life in Morganton and he mentioned many special people/community leaders that he is very thankful to have met. He ended by saying, “Thank you Morganton”!
- III. Pledge of Allegiance to the Flag – The pledge of allegiance was led by Councilmember Cato.
- IV. Invocation Given by – Rev. Jaime Torres, Jaime Torres Ministries.
- V. Introduction of Council – The Mayor introduced Councilmembers and staff.
- VI. Retirement Resolutions
  - a. The Mayor read a resolution honoring Robert S. “Stretch” Bailey, Fire Engineer I, Public Safety, who retired from the City of Morganton on August 1, 2023 with 20 years, 7 months of full-time service.

Councilmember Hawkins presented a framed resolution to Robert on behalf of the City of Morganton and the City Council. Robert thanked the Council, his family and coworkers.

Chief Whisnant presented Robert with his fire helmet. He stated that Robert will not be easily replaced. He thanked Robert for his commitment, dedication and his years of service.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and carried unanimously, the Council adopted Resolution # 23 - 27 honoring retiree Robert Bailey.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, the Council declared a Cairns model # 1044, serial number 1044DSB, fire services helmet as surplus, sold for one dollar (City Manager Sandy provided the \$1) and presented to Robert Bailey.

## VII. Public Advocacy Issues and Strategies

- a. **Weather and Power Outage Update:** City Manager Sandy reported that currently there are over 400 customers out of power and there are multiple trees and power lines down. Crews are working to restore everything. A crew from Granite Falls is assisting.

She reported that a tree from a neighboring property fell in the parking lot at City Hall. It damaged three City trucks.

- b. **Public Safety Update:** Chief Jason Whisnant advised the Council and the public of an escalation of behavior from the homeless population. He said there is a blatant disregard for the property rights of others and oppositional attitudes towards law enforcement, residents and business owners.

In the last 60 days, the Public Safety lobby was severely damaged by a homeless person, two structure fires in abandoned buildings that are being investigated as arson and a breaking and entering into a church are attributed to homeless persons, two Public Safety officers were assaulted during arrests of homeless individuals, two City of Morganton substations and one Duke Energy substation were broken into and copper wiring stolen by a homeless person and, last Friday, two high value vehicles were stolen by a homeless person right out of the victim's driveway.

Public Safety receives and regularly investigates discarded syringes. Chief Whisnant stated that they are finding too many syringes/needles in City parks and recreational areas, which puts the public in danger. Public Safety officers spend 4-6 hours per 12-hour shift responding to and investigating calls for service involving homeless persons. This level of response to a single issue pulls Public Safety officers from proactive duties such as investigating other crimes and reports, timely response to calls for service, being in parks and the Greenway, enforcing speed violations in high-crash areas, drug interdiction and residential security checks. The highest concentration of calls for service involving the homeless are occurring within 2500 feet of 305B West Union Street, which is the Burke Mission Station. From 2019 to 2022, Public Safety has responded to 352 calls for service at this location. In 2023, Public Safety has responded to 89 calls for service, which, if the trend continues, will be a 55% increase from 2022. The most disturbing trend comes from the Downtown business district and residences in that immediate area. In 2021, Public Safety responded to 6,122 calls for service and in 2022 this increased to 6,833 calls for service. Currently in 2023, Public Safety has responded to 4,195 calls that is trending to a 25% increase over 2022.

Chief Whisnant advised that Public Safety has taken the following steps to help reduce the impact of homelessness on the City of Morganton:

- Train and certify officers on crisis intervention recognizing the signs and symptoms of mental illness and addiction
- Train officers to de-escalate every situation
- Train officers to make referrals when appropriate
- Train officers to arrest habitual and repeat offenders
- Work closely with code enforcement and property owners to reduce the number of camps on private property
- Partner with community based services for those willing to accept help

Chief Whisnant ended the update by stating that he is hopeful that the homeless in our community who are willing will realize that they can get help, receive resources and get their life back together again. For those unwilling to seek help or receive assistance, he stated that the message is clear – do not violate property rights of others and do not harass or trespass on property that does not belong to you. He advised that the homeless individuals choosing to

live in the City of Morganton will be expected to have decency and respect for the community.

c. The Mayor made the following announcement:

The Morganton Human Relations Commission is currently conducting an online survey to get the public's input to help identify issues that inhibit inclusiveness and diversity and to get ideas about what we can do to improve our community. Citizens are encouraged to visit the City's website at [morgantonnc.gov](http://morgantonnc.gov) and complete the brief survey. The survey will run through September 17<sup>th</sup>.

d. The Mayor announced Saturday DMV hours.

e. The Mayor announced the following events:

- **Downtown/City Hall**

Farmers' Markets Continue  
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

Art in the Hall: Beth Oczkowski – Quilling and Painting with Paper – Beth is an accomplished quilling artist residing in Hickory, NC. She has created her own style of "painting with paper" and enjoys doing portraits. She sells her work at a local gallery.

41<sup>st</sup> Annual Historic Morganton Festival – Sept. 8-9

Burke Arts Council Art Crawl – Sept. 21 – Downtown Morganton – City Hall will be one of the venues hosting the September Crawl. Beth Oczkowski will be present to present her artwork.

Play Music on the Porch Day – August 26, 2023 – 8 a.m. to 10 p.m.

- **CoMMA Performing Arts Center**

CoMMA Season/Individual Tickets Available to Public beginning August 14, 2023.

- **Parks and Recreation**

Collett Street Swimming Pool will continue regular hours during the month of August. Sunday, August 27, 2023 will be the last day for outdoor swimming. The Kiddie Pool is closed for the season.

Fall/Winter hours for indoor swimming at the Aquatics Center will begin on Monday, August 28, 2023.

Splash Pads at Martha's Park and MLK Park will close sometime after Labor Day depending on the weather.

#### VIII. Consideration of Changing City Council Meeting Date for September 2023

The Mayor stated that City Hall will be closed Monday, September 4, in observance of the Labor Day Holiday.

Upon motion by Councilmember Cato, seconded by Councilmember McSwain, and unanimously carried, the Council approved changing the City Council Regular Meeting date from Monday, September 4, 2023 to Monday, September 11, 2023 at 6 p.m..

#### IX. North Carolina Municipal Power Agency Number 1 Update - No update per City Manager Sandy.

X. Consent Agenda – City Manager Sandy asked the Council to allow Item B regarding No Parking on Williams Street be removed and move any consideration of that to a later meeting. She then presented the rest of the Consent Agenda.

Upon motion by Councilmember Hawkins, seconded by Councilmember Jernigan, and unanimously carried, approved removing Item B regarding No Parking on Williams Street from the Consent Agenda and moving any consideration of that item to a later meeting.

Upon motion by Councilmember Hawkins, seconded by Councilmember McSwain, and unanimously carried, the Council approved each individual item on the Consent Agenda, without Item B regarding No Parking on Williams Street, those being as follows:

- A. Approved Regular Meeting minutes for meeting held on May 1, 2023 and Closed Session minutes held on May 1, 2023 as submitted.
- B. Item regarding No Parking on Williams Street was removed and will be considered at a later meeting.
- C. Approved a contract with Carl Grigg Electric & Supply Inc. of Shelby NC, at unit costs as described in the attached bid tabulation for a total amount not to exceed \$120,000 for underground installation projects.
- D. Awarded a professional engineering contract to Southeastern Consulting Engineers, Inc. in an amount of \$50,000 for design work on the College Street redesign.
- E. Approved award of tree trimming contract to Foothills Tree Maintenance, LLC of Lenoir, NC not to exceed \$236,250 and to authorize the Mayor and/or the City Manager to execute such contract and any other necessary documents.
- F. Approved declaring Public Safety rifles as surplus.
- G. Approved award of contract to Whalen Tennis Company not to exceed \$296,420 for Freedom tennis courts with \$100,000 being paid by the Burke County Schools and for \$122,220 for Carbon City pickleball courts and to authorize the Mayor and/or the City Manager to execute such contract and any other necessary documents.
- H. Approved a budget amendment (Ord. 23-26) in the amount of \$24,775 to recognize receipt of reimbursement for water line and meter work at 148 Sam Wall Avenue, 718 West Union Street and 720 West Union Street for the Water Department.
- I. Approved a budget amendment (Ord. 23-24) in the amount of \$16,090.16 to recognize receipt of insurance reimbursement for repair of damage to a trackhoe for the Water Department.
- J. Approved a budget amendment (Ord. 23-23) in the amount of \$3,150.99 to recognize receipt of insurance reimbursement for damage to Public Safety lobby and to a patrol vehicle.

XI. New Business

A. Public Hearings

1. Public Hearing and Consideration of Adoption of Ordinance to Permanently Close Plainview Street

City Attorney Vinay advised that Dustin and Jessica Epley have submitted a petition in proper form asking that the City close and abandon an unopened portion of a public right-of-way identified as Plainview Street, which is a very short platted "street" just off Alpine Street. Dustin and Jessica Epley own the lands on both sides of the right-of-way.

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 June 19, 2023 meeting, City Council adopted a Resolution of Intent to close this segment of street, and called for a public hearing at the August 7, 2023, Council meeting. Notice of this hearing was properly advertised in the News-Herald, and notice of the same was properly posted along Plainview Street, all in accordance with N.C.G.S. 160A-299.

The Mayor opened the public hearing at 6:35 p.m.

There being no person to come forward, the Mayor closed the public hearing at 6:36 p.m.

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and unanimously carried, the Council adopted an Ordinance (23-22) to close and abandon an unopened portion of a public right-of-way identified as Plainview Street, reserving an easement for use of any public utilities within that segment.

## B. Other Business

### 1. Consideration of Amendment of Contract for Sale and Purchase for Property on East Meeting Street with 400 Meeting Street, LLC to Extend Closing Date

City Attorney Vinay advised at its January 9, 2023 meeting, the City Council approved a Contract for Sale and Purchase with 400 Meeting Street, LLC, for the six adjoining tracts of real property located on East Meeting between White Street and Church Street. That Contract remained binding until May 10, 2023, provided that closing on the sale was to occur by that date. At the request of the purchaser, the City Council, by unanimous vote at its May 1, 2023 meeting, agreed to extend the Contract until August 10, 2023.

The purchaser, 400 Meeting Street, LLC, has continued to diligently work on this project. Among other things, the developer has completed initial surveying and soil testing, and assembled a group of investors interested in the Project. However, the purchaser is still trying to complete its funding and take other final steps needed to proceed. Therefore, 400 Meeting Street, LLC, has requested an extension of the closing deadline under this Contract.

City staff recognizes that further pushing back closing on this transaction is not desirable. However, the proposed development remains an excellent use of the City property, and the purchaser is moving ahead with design and other work in a reasonable manner. After consultation with the purchaser, City staff urges that City Council consider a motion amending the Contract to extend closing by a further ninety (90) days, that is, until November 10, 2023. The purchaser would have to join in signing the amended Contract to signify its acceptance.

Except for the closing date extension, all the terms and conditions of the January 9, 2023, Contract would remain in full force and effect. The City continues to hold the purchaser's earnest money deposit of \$21,250.

Councilmember Cato asked if the 90-day extension is appropriate and should the City should ask for more earnest money. City Manager Sandy stated that the Statute does not require more than the customary 5% and the 90-day extension is appropriate.

Upon motion by Councilmember Jernigan, seconded by Councilmember Hawkins, and carried unanimously, the Council agreed to and accepted an amendment of the Contract for Sale and Purchase with 400 Meeting Street,

LLC, to extend the Contract, and the closing date on the sale, by a further 90 days, until November 10, 2023; and further authorized and directed the Mayor and City Manager to execute all necessary documents.

2. Consideration of Approval of Agreement with NCDOT for Sidewalk Upgrades and Betterments as Part of NCDOT Bridge 99 Replacement (Located on US64/US70 – Fleming Drive over Railway ROW)

City Manager Sandy advised that the Agreement confirms the parties' intentions and formally authorizes the NCDOT to proceed with construction of the following betterments included as part of the replacement of Bridge 99 over the Railroad ROW, with participation in costs of \$260,081 by the City of Morganton:

- a five-foot sidewalk along the northern side of the road,
- an extra-width ten-foot sidewalk (multi-use path) along the southern side of the road,
- vertical concrete barrier separating the multi-use path from the roadway, and
- form liners for the bridge rail.

The Municipality's participation is 30% of the actual costs of the five-foot wide sidewalk and 100% of actual costs of all remaining betterments. A map of the proposed improvements is included in the attachment to this report. The 2023/2024 budget includes \$200,000 for this purpose and a budget amendment of \$61,000 is required.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, the Council approved entering into an agreement with NC DOT for Sidewalk Upgrades and Betterments as part of NCDOT Bridge 99 Replacement (located on US 64/US 70-Fleming Drive over Railway ROW).

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and carried unanimously, the Council approved a budget amendment (Ord. 23-25) in the amount of \$61,000 to appropriate fund balance for the Bridge 99 Replacement project.

3. Consideration of Award of Contract with Taylor Forestry for Professional Services

City Manager Sandy stated that the City of Morganton owns approximately 40 wooded acres along Williams Road. In 2019, the City had an assessment of the timber performed by the NC Forest Service. The assessment recognized that the timber is over 50 years of age and at the point of harvest to keep insect damage and disease from impacting the timber in a detrimental way.

We recently met with Raymond Taylor of Taylor Forestry on site to get his professional opinion on the life expectancy of the timber. He agreed with the conclusion of the forester that timbering this property is the best course. City Staff recommends contracting with Taylor Forestry to assist the City in having this property timbered for 6% of the sale price of timber. Contract includes overseeing the process of harvesting timber on tax parcels 2702169624 and 2702266786. Mr. Taylor has extensive experience in this area and has worked within our County for many years. He has managed and overseen several timber projects for Foothills Airport. He will represent the City appraising the timber, advertise, negotiate terms and prices with bidders. He will provide a timber deed, secure performance deposits from the winning bidder and monitor and inspect the harvesting operations.

Councilmember McSwain stated that he wanted to be sure that there is a plan in place to re-forest the property so that it does not sit barren.

Upon motion by Councilmember Hawkins, seconded by Councilmember Jernigan, and carried unanimously, the Council awarded a contract to Taylor Forestry for professional services and authorized the Mayor and/or the City Manager to execute such contract and any other necessary documents.

4. Consideration of Award of Contract for Replacing Sand Filter at Collett Street Recreation Outdoor Pool

City Manager Sandy advised that the 2023/2024 CIP budget includes a project to replace the sand filter at the Collett Street Outdoor Pool. The sand filter keeps the water clear and clean.

After receiving two bids in an informal bid process, City staff recommends awarding the contract for replacement of the sand filter to Duffield Aquatics not to exceed the amount of \$72,302. Our budget included \$65,000 for this project. The difference will be made up with other budgeted CIP funds.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and carried unanimously, the Council awarded a contract not to exceed \$72,302 to Duffield Aquatics for the purpose of replacing the sand filter at the Collett Street Outdoor Pool, including approval for the Mayor and/or City Manager to execute all agreements regarding this contract.

5. Consideration of a Resolution Authorizing the City of Morganton to Submit a Grant Application to the Appalachian Regional Commission (ARC) in the Amount of \$300,000 for the North Green Street Water and Sewer Improvement Project

City Manager Sandy stated that the City of Morganton intends to start a North Green Street Water and Sewer Improvement Project to upgrade the aging existing water and sewer lines. The City estimates the project will cost \$701,000. The North Carolina Appalachian Regional Commission (NC ARC) Construction Grant Program assists local governments in developing projects that will provide significant economic and community development opportunities for communities in our region.

The City has committed to providing local matching funds for the project in the amount of \$401,000. City Council must approve a resolution authorizing the grant application.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, the Council adopted a Resolution (23-26) authorizing the application for \$300,000 in ARC funds.

6. Consideration of Award of a CDBG Small Business Loan Agreement for \$30,000 with Aimee Perez and RV Uprooted, LLC

Sharon Jablonski advised that Aimee Perez owns RV Uprooted, LLC (Dba *root & vine*), which is moving to 216 East Union Street in Morganton. RV Uprooted, LLC is the new corporate entity that operates *root & vine*, a restaurant offering fine dining options. They have requested a CDBG Small Business Loan in the amount of \$30,000 to assist in the up-fit and purchase of new furnishings for their new location. They will meet the requirement of creating a new job for a low and moderate income person by hiring at least 1 full-time employee. The small business loan requires at least the creation of 1 job for a low to moderate income person and this requirement has to be met within a year of signing the Small Business Loan Agreement. This loan will be contingent on RV Uprooted, LLC having a fully-executed lease for the new location.

The City has set aside CDBG Funds for the purpose of encouraging small businesses that meet HUD hiring guidelines as well as City of Morganton Mission 2030 goals. Entrepreneurial development, downtown revitalization and Tourism enhancement were each identified as essential Mission 2030 goals for economic development. This business loan is being recommended by the staff to promote these goals. The City will accept a personal guarantee from the owners of RV Uprooted, LLC as collateral for the loan.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, the Council awarded a CDBG Small Business Loan in the amount of \$30,000 to RV Uprooted, LLC (Dba *root & vine*) for the up-fit and purchase of new furnishings for their new location at 216 East Union Street Morganton, and authorized the Mayor and/or the City Manager to execute such contract and any other necessary documents, contingent upon receiving a fully executed lease.

7. Consideration of Approval of a Main Street Loan in the Amount of \$75,000 to Mimosa Restaurant, LLC with Jerry Norvell and Personal Guarantor

Sharon Jablonski stated that *root & vine* wishes to expand their business by relocating into an underutilized restaurant building located at 216 East Union Street, Morganton. This location will allow them to expand their indoor seating, provide more restrooms for customers and greatly organize their kitchen, by having a dedicated delivery area, much needed storage, food prep areas, cooking stations, a food service area and dish return space.

Mimosa Restaurant LLC currently owns the building at 216 E. Union Street and wishes to lease the building to RV Uprooted, LLC (Dba *root & vine*). For the past 7 years the premises has operated as a private sports bar with very little foodservice. The building has been neglected, especially the kitchen. Walk-ins are not operational, most of the equipment is unusable, and another hood has to be installed in order to accommodate a wood fired grill, for which *root and vine* is known. The hot water heater is to be replaced; kitchen flooring completely redone, all Ansel systems and hoods will be repaired and put in operation.

Mimosa Restaurant, LLC, wishes to borrow \$75,000 from the Main Street Restaurant Program to partially fund these improvements. This will leave a balance of \$75,000 in the program. Jerry Norvell, majority owner of Mimosa Restaurant, LLC, will be the personal guarantor on the loan. Loan funds will be used as follows:

- Kitchen equipment
- Overall repair and up fit of the Kitchen so that it is operational

There is a substantial amount of work to be completed by both the owner and the tenant before the restaurant can open.

Staff recommends a loan for \$75,000 for Mimosa Restaurant, LLC for kitchen equipment and up-fit related to the kitchen restoration contingent upon receipt of a fully-executed lease for the premises. Furthermore, staff recognizes that the planned tenant, *root and vine*, is currently operating 4 days a week in her current location, for dinner service only. Aimee Perez, owner of *root and vine*, intends to open more hours as kitchen workers can be hired. The entire reason this move was encouraged was to ensure downtown Morganton has high quality sit down restaurants during the upcoming holiday season and beyond. The goal is for *root & vine* to be reopened by November 1, 2023. Like many towns across this country, the Morganton market is still rebounding from COVID and years of shut down. Our experience with *root & vine* tells us that Aimee and Chef Brian will provide a quality product in an inviting atmosphere that will be consistent. Successful restaurants and retail will



keep our downtown stabilized. Restaurants want to be where other successful restaurants and businesses are located.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and carried unanimously, the Council approved a Main Street Loan in the amount of \$75,000 to Mimosa Restaurant, LLC for kitchen equipment and up-fit at 216 East Union Street and authorized the Mayor and/or the City Manager to execute such contract and any other necessary documents contingent upon receiving a fully executed lease.

8. Consideration of Resolution Declaring the Intent of the City to Consider Permanently Closing an Alley Behind Buildings on the 100 Block of West Union Street and to Call for a Public Hearing

City Attorney Vinay advised that there is an alley about 10 feet wide, which extends southeastward from another, wider alley and runs alongside the building at 108 West Union Street owned and occupied by South Mountain Children's Home until it reaches the back of the building at 106 West Union, where it turns to the northeast and sharply narrows, running behind the buildings at 106, 104 and 102 West Union until it ends against the wall of the building at 100 West Union occupied by the Treat restaurant. The final stretch of this alley is barely five feet wide, and is very dark and damp. The City maintains this alley, but only for the purpose of servicing our water, sewer and electric lines, and providing access for the natural gas lines also within the alley.

This alley is a "dead-end", and is not actually used by the public except for rear access to some buildings by employees, for removing garbage and similar purposes. It has been in existence for upwards of 100 years and appears on numerous maps and plats. City water, sanitary sewer and electric lines are located within the alley, as the only means of providing service to most of the buildings which border it.

A petition has been received from Table Rock Investments, LLC, to close this alley and abandon the City's interest in it. This company owns the properties at 100 and 102 West Union Street, and at 103 North Sterling Street (currently occupied by Treat and by the offices of Norvell Properties). The buildings, and the businesses in those buildings, all are served with public utilities located within the alley.

If the City moves to close and abandon this alley, we would retain permanent easements across this space for all our public utility lines, but the City would no longer be responsible for maintenance or upkeep of the alley itself. Normally in such closings, the ownership of the land beneath the alley would pass to the owners of the lots on either side, with each owning to the centerline.

N.C.G.S. 160A-299 authorizes the City to close public streets, alleys and roadways and also sets out the procedure for such closings. The procedure requires that before any such closing, Council must notice and hold a public hearing. Notice of the hearing must be published for four consecutive weeks.

Councilmember Jernigan asked to be recused from the vote or participation in discussion on this item due to part of the alley being along side the building of South Mountain Children and Family Services. Councilmember Jernigan is the Executive Director of South Mountain Children and Family Services.

Upon motion by Councilmember Thompson, seconded by Councilmember Hawkins, the Council recused Councilmember Jernigan from voting on or discussing this item due to part of the alley being adjacent to the building of South Mountain Children and Family Services, which could receive a property interest if the alley is closed.

Upon motion by Councilmember McSwain, seconded by Councilmember Cato, and carried unanimously (4-0, with Councilmember Jernigan excused), the Council adopted a Resolution of Intent (23-24) to consider permanently closing a pedestrian alley which, from another public alley, runs thence, southeastward alongside the building at 108 West Union Street to the boundary line of the property at 106 West Union; thence narrowing and running northeastward between the properties at 106 West Union and 103 North Sterling; thence further narrowing and continuing north eastward with the building at 103 North Sterling on one side and the buildings at 104 and 102 West Union on the other side; and approved scheduling a public hearing to be held on Monday, September 11, 2023, at 6:00 p.m. in the Council Chambers at City Hall, 305 E. Union Street, Suite A100, Morganton, North Carolina, or as soon thereafter as this matter may be reached; and directed the City Clerk to publish a copy of this Resolution once a week for four (4) successive weeks in the News Herald; to transmit by registered or certified mail, a copy of this Resolution to any property owners abutting on the section of the alley sought to be closed as shown on the Burke County Tax Records; and to post or cause to be posted a notice of this proposed closing of alley in at least two (2) prominent places along the alley.

9. Consideration of Resolution Approving Conveyance of Quitclaim Deed for "Vine Arden Road" to Western Piedmont Community College

City Attorney Vinay advised that the City owns large tracts of real property on both sides of Vine Arden Road, located immediately south or west of the City's waste water treatment plant. Western Piedmont Community College ("WPCC") desires to acquire approximately 20 acres of the City's property, on both sides of Vine Arden Road ("the Property"), to develop a new Emergency Services Training Center. The City is pleased to enable that project by deeding a portion of the Property to WPCC.

It appears that the portion of Vine Arden Road which runs through the City's Property was never formally dedicated as a public street. However, it has been used as the sole means of access to the City's waste water plant for more than 50 years. Throughout that time, the City has been fully responsible for the maintenance and operation of that road, but does not actually "own" in fee simple the land beneath the road.

In order to assure that it has good and marketable title once it becomes owner of the Property, WPCC has requested that the City convey to the WPCC that real property within the bounds of the street known as Vine Arden Road, as the same crosses the Property. Since the City does not actually own the land beneath this street, conveyance would have to be by means of a quitclaim deed—that is, with no warranty or claim of title. Simultaneously, WPCC would grant to the City a permanent easement for the operation and maintenance of the street known as Vine Arden Road.

Granting this quitclaim is just an initial step. The parties are already working on a description of the specific boundaries of the land to be conveyed. Once that is ready, Council would be asked to approve conveyance of that property, which is anticipated to be in consideration of and exchange for certain land which WPCC would grant to the City.

Upon motion by Councilmember Jernigan, seconded by Councilmember Hawkins, and carried unanimously, the Council adopted a Resolution (23-25) approving conveyance to Western Piedmont Community College, by quitclaim deed, of a portion of the land crossed by Vine Arden Road and to authorize the Mayor and/or the City Manager to execute any necessary documents.

10. Appointments to Boards and Commissions

a. Human Relations Commission

This is a Mayoral appointment.

The Human Relations Commission (HRC) is a committee established by the Mayor and City Council to address matters involving race, discrimination, human relations and to encourage and promote tolerance and goodwill to all people. By putting together this committee the Mayor and City Council get a closer look at ways of improving our city for all.

Joseph Franklin has been a valuable member of the Commission, but, due to graduating high school, he is no longer eligible to serve as the representative for Patton High School.

Nicholas Allen Parlier, a student at Patton High School, has expressed interest in membership on the Human Relations Commission. There is an open space for a Patton student. Staff recommend appointing him to the Commission.

Toni Powers has expressed interest in membership on the Human Relations Commission. Staff recommends appointing her to the Commission to fill a current vacancy on the commission.

Mayor Thompson appointed Nicholas Allen Parlier as the Patton High School student representative and Toni Powers to fill a current vacancy on the Human Relations Commission with terms expiring on May 3, 2026.

11. 30-Day Notice Boards and Commissions

a. Recreation Advisory Commission

Due to upcoming expiration of terms, a vacancy will exist on the following Board:

Recreation Advisory Commission – There are several vacancies.

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

XIII. Reports

XIV. Adjournment – The Mayor adjourned the meeting at 7:07 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

