

MINUTES  
REGULAR MEETING  
CITY COUNCIL

September 11, 2023

Ronnie Thompson, Mayor

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

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

Interpreters  
Jessica Hollifield  
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. The Council still accepts public comments via email, U.S. mail, or hand-delivered letters.
  - A. Matt Zopp – Resides at 2395 Willow Tree Church Road, Morganton – He stated that he had two issues to discuss. First, City transportation. He states there are no Uber, Lift or taxi services in this city. Second, animal services in Burke County. He stated that he had a problem recently. The problem was not handled in a timely manner and wants the City to help fund two additional animal control workers.
  - B. Ron Michaux – Resides at 218 Laurel Hills Drive, Morganton, NC and owner of 201 College Street – He advised that homeless individuals are using City Hall property as a restroom, using his business property as a restroom and destroying the electrical boxes downtown. He brought pictures to illustrate each issue and played a video showing a homeless individual taking a bath using the outdoor water fountain on the courthouse square.
  - C. Brian Rader – 103 Edgewood Avenue, Morganton – He stated that he has an issue with a neighbor who has multiple dogs that bark constantly. The neighbor has six fully grown dogs that are extremely aggressive. He shared a picture of a kennel that the neighbor built just across from Mr. Rader's property with members of City Council. There are three dogs in the kennel and three dogs in the house. The dogs bark constantly, day and night. He stated that the quality of life, peace and quiet that he and his wife once enjoyed is no longer. He advised that they are unable to go into their backyard to relax or to entertain. He further stated that one of the dogs lunged at him and pinned him against his house. He called Public Safety who responded and spoke to the neighbor, however the situation has not improved.
  - D. Linda Lindsey – President of the Historic Burke Foundation, Inc. – She stated that they have a stash of old photographs that have historic interest and are trying to find appropriate homes for them. She presented a recently discovered photo of the 1929 volunteer City of Morganton Fire Department to Chief Whisnant. Chief Whisnant accepted the photo.
- III. Chief Whisnant announced the Presentation of Colors by Public Safety Color Guard and Pledge of Allegiance to the Flag – The pledge of allegiance was led by the Public Safety Color Guard in honor and memory of the 22-year anniversary of 9-11.

- IV. Pastor David Rorie of North Morganton United Methodist Church gave the invocation.
- V. Introduction of Council – The Mayor introduced Councilmembers and staff. City Attorney Louis Vinay, Jr. was not present.

VI. Service Pins

- A. Mayor Thompson recognized Steven Mills, Superintendent of Cemetery & Grounds in the Public Works Department, for recently receiving his 20-year service pin. Mr. Mills was unable to be at the Council meeting due to previous commitments.

VII. Public Advocacy Issues and Strategies

- A. Main Street Update and Festival Recap: Abby Gentry-Nelson, Main Street Manager – She stated that this past weekend was the 41<sup>st</sup> Annual Historic Morganton Festival (HMF) – despite the storms, the festival was a success. She thanked the entire City team for their support, especially the Street and Sanitation teams.

Abby continued by giving a City of Morganton Main Street office update. She stated that FY 22-23 saw a huge increase in public and private investment. Downtown has seen a net gain of three new businesses, loss of one full-time job and the addition of 18 part-time jobs. Downtown has had 12 façade improvements and six complete building rehabs. She reported a 2,592.5 hours of volunteer time given to the Main Street office, which is a 66 % increase of the previous year. She also reported that there were 194 events producing \$2.6 million dollars spent.

She stated that Main Street matters and everything they do matters. She stated that Morganton Main Street maintained accreditation. She thanked the Mayor and Council for their support.

- B. CoMPAS Update: Greg Branch, Director of CoMPAS Cable – He advised as of September 1<sup>st</sup> CoMPAS rolled out residential and commercial GIG service. A 36-second commercial advertising this new service was shown to the Council. He stated that they are running promotional residential and commercial rates.
- C. Mayor Thompson read the Proclamation for Hispanic Heritage Month – September 15 – October 15, 2023 – Sharley Mendoza read the proclamation in Spanish.

The proclamation was presented by Councilmember Jernigan and accepted by Sharley Mendoza, member of the Human Relations Commission and proud member of the Hispanic community in Morganton.

She thanked the Mayor and City Council. She stated that this proclamation serves as a reminder to everyone that “we can do it and we did it and that we are stronger when we stand together”. She introduced Sandra Aguirre. She again thanked the Mayor and City Council. She challenged everyone to give themselves the opportunity to meet someone whose culture is different to discover the things that they may have in common.

- D. Mayor Thompson read the Proclamation for Constitution Week 2023 – September 17 – 23, 2023. The proclamation was presented by Councilmember McSwain and accepted by Bekah Dennis – Daughters of the American Revolution Quaker Meadows Chapter. Ms. Dennis thanked the Mayor and City Council. She encouraged everyone to ring bells on September 17<sup>th</sup> for one minute at 4:00 pm to commemorate and celebrate the signing of the U.S. Constitution.

E. Mayor Thompson announced the following upcoming events:

- **Downtown/City Hall**

Farmers' Markets Continue -  
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: 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.

Saturday, September 16, 3 pm to 5 pm – 2040 IMAGINE Morganton Pop-Up Event at Little Guatemala.

Burke Arts Council Art Crawl – Thursday, Sept. 21, 5 p.m. – 8 p.m. Downtown Morganton.

- **CoMMA Performing Arts Center**

Thursday, September 28<sup>th</sup> – Opening Night for CoMMA – Georgia Players Guild at 7:30 pm.

- **Parks and Recreation**

Collett Street Pool closed for the Season.

Splash Pads will close for the Season by the end of September.

Saturday, September 23, 2023, 10 a.m. to 12 Noon – SAFE Kids Bike Rodeo – Catawba Meadows Park – Sponsored by Morganton Public Safety.

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 6<sup>th</sup> the Jacktown Ramblers and Butterbeans will be performing and on Saturday, October 7<sup>th</sup> 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.

VIII. North Carolina Municipal Power Agency Number 1 Update – City Manager Sandy advised that a special meeting was held on August 22, 2023 to consider a power purchase agreement between the power agency, of which the City of Morganton is a member, and the Central Electric Power Cooperative in South Carolina. This agreement allows us to sell 18% of our generating capacity at the nuclear plant. All 19 cities of the NCMPA1 have passed the agreement. Effective January 1, 2024, the excess capacity will be sold and the 19 cities will recognize a savings with a net present value of \$254,000,000 and will be realized until the year of 2043 when the life of the asset will be renewed or retired.

IX. Consent Agenda – City Manager Sandy presented the Consent Agenda.

Upon motion by Councilmember McSwain, seconded by Councilmember Cato, 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 August 7, 2023 and a Special Called Meeting on August 22, 2023.

B. Approved tax releases in the amount of \$20.02.

- C. Approved the agreement to participate in the 2023-2025 WPCOG Stormwater Partnership at a cost of \$13,122, and to authorize the Mayor and/or City Manager to execute all necessary documents, including technical corrections.
- D. Accepted a NC Recreation and Park Association grant in the amount of \$1,000 and approve a budget amendment in the amount of \$1,000 to recognize the receipt of a NC Recreation and Park Association grant. Allowing the construction of a Gaga pit.
- E. Approved a budget amendment (Ordinance 23-32) in the amount of \$50,829.43 to recognize receipt of payment for insurance reimbursement for damage to a Public Safety vehicle and to a Public Works truck.
- F. Approved a budget amendment (Ordinance 23-31) in the amount of \$125,317.94 to recognize receipt of payment for insurance reimbursement for damage to an Electric truck and the water plant generator.
- G. Approved a budget amendment (Ordinance 23-30) in the amount of \$2,614.25 to recognize receipt of proceeds from a safety grant through the NC Interlocal Risk Management Agency for Public Safety and Wastewater.
- H. Approved a budget amendment (Ordinance 23-29) in the amount of \$8,149.27 to recognize receipt of payment for insurance reimbursement for damage to a fire hydrant.
- I. Approved a budget amendment (Ordinance 23-36) in the amount of \$31,470.00 to recognize receipt of reimbursement for services for water line extension at Hollybrook Lane.
- J. Approved a resolution (Resolution 23-28) accepting the Rural Transformation Grant of \$450,000 from the North Carolina Department of Commerce for the North Green Street Streetscape Project and to authorize the Mayor and/or City Manager to execute and issue those agreements on behalf of the City of Morganton.
- K. Approved amendments to Code of Ordinances (Ordinance 23-34) designation No Parking on both sides along Williams Street from the intersection with Wilson Street to the intersection with Lee Street. This item was removed from the August 7, 2023 Consent Agenda.
- L. Adopted a resolution (Resolution 23-29) approving the 2023 Updated Water Shortage Response Plan.
- M. Awarded a contract not to exceed \$249,862.58 to Barrs Recreation for the purpose of replacing the playground equipment at Freedom Park, Carbon City Park and the small playground at Catawba River Soccer Complex.

X. Items Removed from Consent Agenda

XI. New Business

A. Public Hearings

1. Public Hearing and Consideration of Permanently Closing an Alley Behind Buildings on the 100 Block of West Union Street

7:00 pm Mayor called the public hearing to order.

City Manager Sandy stated 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 only about 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, and also consumer gas 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 businesses in those buildings all are served with public utilities located within the alley.

If the City Council decides to close and abandon this alley, the City would need to 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. As is normal procedure in such alley/street closings, 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. As provided by statute, notice of Council’s hearing on this matter was published, in the News-Herald, for four consecutive weeks, and notices were also posted on or near the alley.

Mayor Thompson advised that Councilmember Chris Jernigan will be recused since he has a vested interest in part of this particular alley.

Mayor closed the Public Hearing at 7:04 p.m.

Eric Messick, who is purchasing 106 West Union Street, came forward asking about easements and access to the alley. City Manager Sandy answered by stating that it would up to the property owners to decide how the alley is used and all of the owners would have to agree.

Upon motion by Councilmember Hawkins , seconded by Councilmember Cato, and unanimously carried, the Council adopted an Ordinance (23-) permanently closing and abandoning a pedestrian alley which, from another public alley, runs thence approximately 10 feet in width 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 northeastward with the building at 103 North Sterling on one side and the buildings at 104 and 102 West Union on the other side, to the western boundary of the building and lot at 100 North Sterling Street; reserving permanent easement for all public utilities currently located within said alley; and further providing that title in fee to the lands crossed by said alley be vested in the current owners of record of the properties on either side of the alley, each to the centerline of the existing alley.

B. Other Business

1. Consideration of Award of Contract for Bost Road Sewer Line Project and Required Budget Amendment

City Manager Sandy advised that the Bost Road sewer project includes the construction of a new wastewater pump station and new sewer line. The project requires demolition of existing wastewater pump station, and construction of a new wastewater pump station, including cast-in-place wet well, two submersible non-clog pumps, valve vault, pipes, valves, platform, davit crane for pump removal, canopy, and associated electrical components. Construction of 2,959 LF of new gravity sewer mains consisting of 8-inch PVC and DI sewer pipe 16 precast manholes, jack and bore casings, and connections to existing sewers. Construction of 3,506 LF of new sewer force main consisting of 8-inch PVC and DI pipe including connection to an existing manhole, jack and bore casings, and air release valves. Construction of 599 LF of new 20-inch HDPE casing installed by horizontal directional drill and 599 LF of new 8-inch HDPE force main carrier pipe within the casing.

Sealed bids were received and opened by the Development & Design Services Department on Tuesday July 18, 2023. Three bids were submitted for the project. The lowest responsive, responsible bid was submitted by Buckeye Bridge, LLC of Canton, NC, in the amount of \$3,927,869.00. The bid tabulation was included in the packet.

All bids were over budget, so City staff negotiated with the lowest bidder to reduce the project scope and lower the project cost for a construction contract not to exceed \$3,586,707.

The engineering cost on the project from design through construction is \$595,260. City staff recommends a contingency of \$50,000 for this project. The total project budget including contingency is \$4,231,967.

Funding sources include grant proceeds from Dogwood Trust of \$1,695,000, funding from the City's ARPA funds of \$2,350,000, funding from the 2023/2024 approved Wastewater budget of \$187,000 is required. A budget amendment of \$650,000 is required to transfer additional ARPA funding to the Bost Road Sewer Line project fund. Also, an amendment to transfer \$187,000 from Wastewater to the project fund.

The project is expected to begin in the next several weeks and take approximately 44 weeks to complete. This increased sewer capacity and the new lift station will make it possible to support new housing and development in the Bost Road/Hwy. 181 area.

- a) Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and unanimously carried, the Council awarded a contract to Buckeye Bridge, LLC of Canton, NC in the amount of \$3,586,707 to complete the Bost Road Sewer Improvements Project and to allow the Mayor and/or City Manager to execute all agreements regarding this contract.
- b) Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and unanimously carried, the Council approved a budget amendment to increase the project fund by a transfer of \$650,000 in ARPA funding and a transfer from Wastewater of \$187,000 to the Bost Road Sewer Project fund.

2. Consideration of Award of Contracts for IP Transport for Video Services via Fiber Connectivity

Greg Branch, Director of CoMPAS, stated that city staff recommends entering into two 3-year contracts for 10 Gbps IP Transport for video services via fiber connectivity as follows:

- With Ritter Communications to Atlanta from Jackson's facility in Tennessee
- With ERC Broadband from their cross connect in Atlanta to Morganton

These will connect our headend to Jackson Energy to obtain linear video services.

As video services are continually changing and streaming services are evolving this enables us to receive our video service without over investing in equipment that is changing quickly. This will also be the first step in providing our customer with over the top video services in the future.

- a) Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and unanimously carried, the Council awarded a contract to ERC Broadband for 10 GBPS IP Transport for video services via Fiber Connectivity to the City of Morganton Headend from Atlanta not to exceed \$2,600 per month for the next 3-years and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.
- b) Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and unanimously carried, the Council awarded a contract to Ritter Communications for 10 Gbps IP Transport for IP transport for video services via Fiber Connectivity to Atlanta from Jackson's facility in Tennessee not to exceed \$1,600 per month for the next 3-years and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

### 3. Consideration of Appointments to the NCMPA1 Board of Commissioners

City Manager Sandy stated that a vacancy occurred on the NCMPA1 Board of Commissioners upon the passing of Dan Brown. Dan was an active Board member and a member of the Rate Committee representing the City of Morganton even after his retirement.

It is important that the City have adequate representation on this Board. Additionally, continuity in representation on this Board ensures we have the best information on which to make decisions.

City staff requests that the Council appoint Jessie Parris, Finance Director, as 1<sup>st</sup> Alternate, Sally Sandy, City Manager, as 2<sup>nd</sup> Alternate and Brooks Kirby, Electric Director, as Commissioner to the NCMPA1 Board of Directors.

City staff also recommends the appointment of Brooks Kirby as the Rate Committee member with Jessie Parris as the Alternate. These appointments will be communicated to NCMPA1 and Electricities. Any required oaths will be administered accordingly.

Upon motion by Councilmember Hawkins, seconded by Councilmember Jernigan, and unanimously carried, the Council appointed the City staff as described below to the NCMPA1 Board of Commissioners and the Rate Committee.

- a) Brooks Kirby, Electric Director, as Commissioner to NCMPA1 Board of Directors.
- b) Jessie Parris, Finance Director, as 1<sup>st</sup> Alternate and Sally Sandy, City Manager, as 2<sup>nd</sup> Alternate.

- c) Brooks Kirby as the Rate Committee member with Jessie Parris as the Alternate.

4. Consideration of Award of Contracting through ElectriCities for a Cost of Service Study and Required Budget Amendment

City Manager Sandy advised that our membership in Electricities affords opportunities to leverage partners who can provide information useful in running our electric distribution business. Council will recall that in the 2023/2024 budget there is funding to convert our billing system to a new platform. Our utilities are obviously a big part of our billing system. Additionally, it is necessary to periodically review rates and rate structure in a utility business.

Electricities has partnered with Utility Financial solutions (UFS) to provide cost of service studies to the membership. City staff believes timing for this service is important as the billing system conversion is scheduled for 2024.

The cost of this study is \$28,700. Morganton has access to a \$5,000 grant through Electricities for system betterment that can be used toward the total cost. The full scope of services for the study was included in the agenda packet. A budget amendment to appropriate professional services dollars of \$23,700 is required.

- a) Upon motion by Councilmember Hawkins, seconded by Councilmember McSwain, and unanimously carried, the Council awarded a contract to Utility Financial Services through Electricities for the purpose of conducting a cost of service study at a cost of \$28,700 including approval for the Mayor and/or City Manager to execute all agreements regarding this contract.
- b) Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and unanimously carried, the Council approved a budget amendment (Ordinance 23-35) in the amount of \$28,700 to appropriate funding for cost of service study and budget for the \$5,000 grant.

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

Councilmember McSwain stated that he was impressed by the incredible teamwork displayed by staff during the Historic Morganton Festival. He thanked the community and staff for all of the hard work.

Mayor Thompson stated that he was impressed with the clean-up process after the festival.

XIII. Reports

XIV. Adjournment – The Mayor adjourned the meeting at 7:23 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

