



MINUTES
REGULAR MEETING
CITY COUNCIL

November 6, 2023

Ronnie Thompson, Mayor

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

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

Interpreters
Danette Steelman-Bridges
Ernest Williams, IV

- I. Call to Order – Mayor Thompson called the meeting to order in the Council Chambers at City Hall at 6:00 p.m.
- II. Public Comment – No one signed up to offer any comments.
- III. Pledge of Allegiance – The pledge of allegiance was led by Councilmember Hawkins.
- IV. Invocation – City Attorney Louis Vinay, Jr.
- V. Special Recognition - Jessica Rossi, Planner and Economist with Kimley Horn, advised that she is representing the NC Chapter of the American Planning Association. She stated that the NC Chapter is thrilled to award the City of Morganton with a Great Places Award for a truly a Great Transformation recognizing the Courthouse Square Renovation Project.

Sharon Jablonski, Director of Cultural & Creative Development, and Michael Berley, Project Designer, accepted the award on behalf of the City and Staff.
- VI. Introduction of Council – Mayor Thompson introduced Councilmembers and Staff.
- VII. Public Advocacy Issues and Strategies
 - a. Mayor Thompson announced that November 7th is Election Day. He reminded everyone to go vote.
 - b. Mayor Thompson announced that the City of Morganton has been awarded the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for 2022 and that Jessie Parris, Finance Director, and the City of Morganton Finance Department have received an Award of Financial Reporting Achievement (AFRA) in recognition of being primarily responsible for earning the Certificate.
 - c. Mayor Thompson announced that Morganton Public Safety was awarded a Firehouse Subs Public Safety Foundation grant in the amount of \$29,816.24 for the purchase of rescue equipment.

- d. Mayor Thompson announced that Morganton Public Safety has been awarded a Molded Fiberglass Foundation – Recon Commando E-Bikes Grant in the amount of \$15,150.00. This grant will be used to purchase four E-Bikes to be used on our greenway system and at major events and festivals to better serve the City of Morganton. Nick Stepanek, Molded Fiberglass, presented the award of grant funds to Chief Jason Whisnent.
- e. Community Appearance Advisory Commission Merit Awards – Cheryl Gratton, Chairman and James Bagley, Vice Chairman of the Community Appearance Advisory Commission came forward to present the following Annual Community Appearance Merit Awards:
- **Alpine Mill No. 7** – Ginny Erwin, Owner/Developer; Wes Ward, Maintenance Director; James Hester, Grounds Director
 - **Burke Arts Council** – Deborah Jones, Executive Director
 - **Grace Ridge Retirement Community** – McKayla Vance, Director; John Lanier, Plant Operations Director; Jon Mercer, Chief Operating Officer at UNC Health Blueridge
 - **Murphy's Farm Apartments** – Logan Smithers, Community Manager; Christina Kyes, Assistant Community Manager; Ed Ward, Service Supervisor; Mark McCaskill, Service Technician; Troy Davis, Grounds Keeper
- f. 6th Annual MADE Competition Awards – Abby Gentry-Nelson, Main Street Coordinator and Paul Gantt, Burke County Public Schools, presented the following awards:
- **Middle School Awards**
 - 1st Place – New Dimensions School
 - 2nd Place – Morganton Day School
 - 3rd Place – East Burke Middle School
 - **High School Awards**
 - 1st Place – NCSSM-Morganton
 - 2nd Place – Patton High School
 - 3rd Place – NC School for the Deaf

Students and other representatives of these schools were present to receive these awards.

- g. Mayor Thompson read the proclamation for Burke County Nonprofit Day – November 28, 2023. The proclamation was presented by Councilmember Jernigan and accepted by Abigail Taylor, Burke County United Way and Evelin Vincente-Rodriguez, Small Business Center for WPCC.
- h. Mayor Thompson read the proclamation for National Apprenticeship Week – November 13-19, 2023. The proclamation was presented by Councilmember McSwain and accepted by Dr. Cindy Davies, Vice President of Academic Affairs & Workforce, Western Piedmont Community College. Dr. Davies was accompanied by Glen Privette, Senior Human Resources Director, Leviton; Kevin Roy, Plant Manager, Cummins-Meritor; and Eric Childers, Continental.
- i. Mayor Thompson announced the following Upcoming Events:
- Downtown/City Hall
 - Art in the Hall: Tea Yang – Hmong Storytellers – Ms. Yang is the Values and Culture Director for The Industrial Commons. The

Hmong Storytellers showcase traditional textiles and artifacts from Southeast Asia, and art from contemporary Hmong-American artists, which will continue to be displayed at City Hall during the month of November.

Holiday Farmers Market: Saturday, November 18, 2023, 10 a.m. to 2 p.m. at 111 North Green Street.

Winter Carnival 2023: Saturday, November 18, 2023, 2:30 p.m. to 5:30 p.m. on the Historic Courthouse Square.

Memorial Tree Lighting 2023 – Saturday, November 18, 2023, 5:30 p.m. to 6:00 p.m. on the Historic Courthouse Square.

Small Business Saturday – Saturday, November 25, 2023, Shop all day to celebrate and support small businesses.

Breakfast with Santa 2023 – Saturday, Dec. 2, and Saturday, Dec. 9, 8:30 a.m. or 10:00 a.m. at the Morganton Community House. Tickets are on sale now at the UPS Store in downtown Morganton.

Christmas Parade 2023 - "Sounds of the Holidays"
Tuesday, December 5, 6:00 p.m. in Downtown Morganton.

- CoMMA Performing Arts Center
Thursday, November 9, 2023 at 7:30 p.m.
Jen Kober Power Hour of Stand-Up Comedy

Thursday, November 30, 2023 at 7:30 p.m.
Pretty Woman: The Musical

VIII. North Carolina Municipal Power Agency Number 1 Update - City Manager Sandy advised that elections are in November.

IX. Consent Agenda – All items below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member, staff member or citizen so requests. In the event a request is made, the item will be removed from the consent agenda.

Upon motion by Councilmember Cato, seconded by Councilmember McSwain, and carried unanimously, the Council approved the Consent Agenda as submitted.

- A. Consideration of Approval of Minutes – For a Regular Meeting held on October 2, 2023.

RECOMMENDED ACTION: Approved minutes as submitted.

- B. Consideration of Tax Releases in the Amount of \$638.00

RECOMMENDED ACTION: Approved tax releases in the amount of \$638.00.

- C. Consideration of a Budget Amendment to Recognize Receipt of Grant Funds in the Amount of \$15,150 from The Molded Fiberglass Foundation for Public Safety

RECOMMENDED ACTION: Approved a budget amendment (Ordinance 23-41) in the amount of \$15,150 to recognize receipt of grant funds from the Molded Fiberglass Foundation to Morganton Public Safety for the purchase of four Recon Commando E-Bikes for use downtown, on the greenway system and at major events and festivals.

D. Consideration of a Budget Amendment to Recognize Receipt of Grant Funds in the Amount of \$29,816.24 from The Firehouse Subs Public Safety Foundation for Public Safety

RECOMMENDED ACTION: Approved a budget amendment (Ordinance 23-40) to recognize receipt of a grant in the amount of \$29,816.24 from The Firehouse Subs Public Safety Foundation to Morganton Public Safety for the purchase of Fire Services equipment.

E. Consideration of a Budget Amendment to Recognize Receipt of Insurance Reimbursement for Damage to a Public Safety Vehicle

RECOMMENDED ACTION: Approved a budget amendment (Ordinance 23-42) in the amount of \$4,543.25 to recognize receipt of insurance reimbursement for damage to a Public Safety vehicle.

F. Consideration of a Budget Amendment to Accept Transfers from the ARPA Fund for a Change Order on the Wash Station Project

RECOMMENDED ACTION: Approved a budget amendment (Ordinance 23-43) in the amount of \$13,500 to accept transfers from the ARPA Fund for a change order on the Wash Station Project.

G. Consideration of Accepting a Resolution Accepting an ARPA Grant from the North Carolina Department of Environmental Quality (NCDEQ) for Stormwater Planning

RECOMMENDED ACTION: Approved a resolution (Resolution 23-32) authorizing staff to accept a grant for \$400,000 from North Carolina Department of Environmental Quality for stormwater planning.

X. Items Removed from Consent Agenda – No items were removed.

XI. New Business

A. Public Hearings

1. Public Hearing and Consideration of Applying for a Building Reuse Grant with the NC Department of Commerce for Local Incentives for a Local Business Identified as Project Fern

Mayor Thompson called the Public Hearing to order at 6:43 p.m.

Alan Wood, President and CEO of Burke Development, Inc., advised that a well-established regional manufacturing business intends to renovate and upgrade. This company, identified for purposes of confidentiality as “Project Fern”, estimates the total cost of this work at \$600,000, and anticipates creating 25 new jobs with pay meeting or exceeding the average county wages.

He stated the Rural Infrastructure Authority recommends a building reuse grant of \$200,000 for this project. BDI has asked the City of Morganton to be the applicant to the State for this grant. Burke County would also participate, by sharing equally in the 5% local match, which would be required. The City and County will each pay \$5,000 toward the \$10,000 total administrative costs.

The public hearing was advertised in The Paper on October 21, 2023.

Mayor Thompson closed the Public Hearing at 6:45 p.m.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and carried unanimously, the Council authorized (Resolution 23-33) an application for a Building Reuse Grant in the amount of \$200,000, with the 5% local match being shared equally by the City and Burke County with each paying \$5,000 toward the \$10,000 total administrative costs.

B. Other Business

1. Consideration of Award of CDBG Entitlement Funds to Non-Profits for FY 2023

Lisa Helton, Community Development Administrator for Western Piedmont Council of Governments, advised that the City stated in the FY 2023 Action Plan that CDBG funds in the amount of \$29,750 would be used to provide assistance to non-profits that meet the goals and requirements of the CDBG program. Applications were received on October 16, 2023 and the CDBG Committee reviewed these applications based on specific requirements set forth by the CDBG program. The CDBG committee would like to recommend to the Council that the following non-profits be awarded entitlement funds:

a. **The Meeting Place** - Requested \$5,400
Recommended Award - \$5,400

The Meeting Place requested the funds for the removal of 12 hazardous trees from the property. These trees are a danger to the house at 813 West Union Street in Morganton and the neighboring houses. The wood from the trees will be used for the Wood Mission for the community and should provide firewood to assist the low-income people of the community.

b. **The Salvation Army (Morganton Branch)** - Requested \$5,000
Recommended Award - \$5,000

The Salvation Army requested the funds for their food pantry program. The funds will benefit at least 240 low-income people in Morganton. This local non-profit has not received funding in a few years.

c. **Blue Ridge Community Action** – Requested \$29,750
Recommended Award - \$14,350

Blue Ridge Community Action requested the funds to provide housing repair assistance to low income households in Morganton. The clients will be elderly and disabled persons needing repairs such as handicap ramps, handicap toilets, handicap showers and/or electrical and plumbing repairs. This is the first time this local non-profit has requested funding.

d. **Burke United Christian Ministries** – Requested \$10,000
Recommended Award - \$5,000

Burke United Christian Ministries requested the funds to purchase food and for rent and utility assistance. Funding recommendation is \$5,000 for rent and utility assistance for City of Morganton customers.

Applications were received from the Outreach Center, Options and The House of Refuge. These non-profits have received funding for the past two consecutive years (FY 2021 and FY 2022), therefore they do not qualify for FY 2023 funding.

Upon motion by Councilmember Jernigan, seconded by Councilmember Hawkins, and carried unanimously, the Council approved award of FY 2023 CDBG Entitlement Funds to non-profits as outlined.

2. Consideration of Approval to Sell Timber for the Select Cutting of the Two Adjoining Parcels (PIN 2702169624 and 2702266786) Owned by the City of Morganton on Williams Road

City Manager Sandy stated that the City of Morganton owns approximately 40 wooded acres along Williams Road. The City had a review assessment of the timber completed by a Burke County Ranger and a NC Forest Service Forester in 2019. Both reviewers stated that the timber is over 50 years of age and at the point of harvest to avoid insect infestation and disease.

The City contracted with Raymond Taylor of Taylor Forestry for a fee of 6% of the sale price of timber for managing the process. Mr. Taylor has extensive experience in this area and has worked in our County for many years. His services include appraising of the timber, advertising, negotiating terms and prices with bidders, providing a timber deed, securing a performance deposit from winning bidder and monitoring and inspecting the harvesting operations. The buyer will have up to 24 months to cut and remove the timber.

A copy of the Agreement for Services with Taylor Forestry and the highest successful bidder information are attached. City Staff recommends accepting the bid of \$148,678 with Gilkey Lumber to select cut the Williams Road property timber.

Additionally, City Manager Sandy stated that at some point in the future there will be a recommendation to bring a budget amendment to take this money and place it into the Capital Reserve Fund. This will help to pay for Capital projects to reinvest into an asset.

Upon motion by Councilmember Hawkins, seconded by Councilmember McSwain, and carried unanimously, the Council approved the sale of timber to Gilkey Lumber for the amount of \$148,678 from the City owned property parcels (PIN2702169624 and 2702266786) on Williams Road, and authorized the Mayor and/or City Manager to execute such contract and any other necessary documents.

3. Consideration of Award of Contract for Utility and Tax Billing and for Payment-Processing Platform

Jessie Parris, Finance Director, advised that the City of Morganton currently utilizes an Electricities hosted software, NorthStar, for utility and tax billing and payment processing. Jessie Parris and Greg Branch were notified in the Spring of 2023 that Northstar would be pushing out a forced update in the next 12-18 months that will no longer allow the City's unique specifications to be supported. The update would also be significantly more expensive than our current contract price. Furthermore, the higher contract price was contingent on the remaining other Electricities clients (5 in total), all continuing with Northstar; if one City did not extend, the price would be even higher.

Upon the research and recommendation of Electricities staff, City Staff are recommending not extending our current contract with NorthStar and beginning a Software as a Service Contract with

Tyler Technologies for our utility and tax billing and payment-processing platform. The estimated implementation timeline is 9 months from the contract date with a target “live” date in Summer 2024. The proposed contract is for a three-year term with the first year implementation costs of \$114,920, included in the FY24 budget, and recurring annual costs of \$60,684.

This is the first step in the City’s goal to provide more customer-friendly online access to utility and tax billing information and online payment processing. It is also integral to the full implementation of remote metering and paperless work order system for the City’s utility funds. The City is a current Tyler Technologies client with the financial software, Munis, which will also further allow seamless communication between the multiple software platforms implemented by the City.

City Manager Sandy stated that no budget amendment is necessary due to this already being budgeted.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, the Council awarded a contract to Tyler Technologies for utility and tax billing software and for payment-processing platform, and authorized the Mayor and/or City Manager to execute such contract and any other necessary documents.

4. 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.

Christopher Pedro, a student at NC School of Science and Math (NCSSM), has expressed interest in membership on the Human Relations Commission. There is a vacancy on the board. His application is attached and staff recommend appointing him to the Commission.

Mayor Thompson appointed Christopher Pedro as a student representative from NCSSM to fill a current vacancy on the Human Relations Commission term to expire at the time of graduation.

b. Morganton Housing Authority

There is currently one vacancy on the Morganton Housing Authority (MHA) Board. Lt. Brad Buchanan, Morganton Public Safety, is unable to continue to serve as per Federal rules and requirements for Housing Authorities. His term expires February 2027. Lt. Buchanan has been a consistent member of the MHA board and has served in an exemplary manner. Public Safety plans to continue to be involved in an advisory capacity.

Christopher Adam Pruitt has submitted an application. He would like to be appointed to fill this vacancy with the term ending February 1, 2027.

This is a Mayoral appointment.

Mayor Thompson appointed Christopher Adam Pruitt to the Morganton Housing Authority Board to replace Lt. Brad Buchanan with a term to expire February 1, 2027.

5. 30-Day Notice Boards and Commissions

a. Foothills Regional Airport Authority

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

- Airport Authority – City of Morganton representatives Robert Pruett and Councilmember Butch McSwain have terms expiring on December 31, 2023.

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.

6. Consideration of Approving a Development Agreement with 400 Meeting Street, LLC, in Connection with the Sale of City-owned Property in the 400 Block of East Meeting Street

City Attorney Vinay stated that in January, 2023, City Council approved a Contract of Sale with 400 Meeting Street, LLC, for the sale and purchase of six adjoining tracts located on East Meeting Street between White Street and Church Street. This Contract has been amended two times by approval of Council, to extend the date of closing on the sale, and that closing is now set to be no later than November 10, 2023.

The Contract of Sale is expressly for the purpose of enabling the purchaser to construct on the property a market-rate residential housing development. The Contract requires that, prior to closing, the parties must enter into a Development Agreement which spells out the terms and conditions under which the subject property is to be developed.

Representatives of 400 Meeting Street, LLC, and City staff have now drafted a proposed Development Agreement. The agreement incorporates all the necessary terms. These terms include a plan for construction of approximately 54 one- and two-bedroom rental apartments in two or three buildings, and 16 townhouses for sale facing East Meeting Street, all in a manner generally conforming with preliminary plans submitted. The Development Agreement also sets out a timetable under which the developer must submit final plans for City planning approval within 180 days, and then begin construction within nine months after such submittal. The City would retain a right to repurchase all or any part of the property if the timetables are not met, or if the developer fails to begin construction.

With closing now approaching, City staff asks that City Council consider approval of this Agreement.

Nick Parker and Kristen Pruitt with 400 Meeting Street, LLC came forward with slides. They showed and summarized proposed plans for the project.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, the Council approved a Development Agreement with 400 Meeting Street, LLC, in connection with the sale of

City-owned property on East Meeting Street between White Street and Church Street; and authorized the Mayor and/or City Manager to execute the Agreement and make any technical or editorial amendments to it.

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

XIII. Reports

XIV. Adjournment – Mayor Thompson 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.



Ronnie Thompson, Mayor



Renee C. Carswell, City Clerk

