



MINUTES
REGULAR MEETING
CITY COUNCIL

February 5, 2024

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 in the Council Chamber at City Hall – Mayor Thompson called the meeting to order at 6:01p.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.
- III. Pledge of Allegiance to the Flag – The pledge of allegiance was led by Councilmember Jernigan.
- IV. Invocation - Rev. George Logan with New Day Christian Church gave the invocation.
- V. Introduction of Council – Mayor Thompson introduced Councilmembers and Staff.
- VI. Public Advocacy Issues and Strategies
 - A. Mayor Thompson read a proclamation recognizing February as Black History Month. Councilmember Cato presented the proclamation to Alicia Connelly, President, Burke County NAACP. Ms. Connelly stated that she is honored to accept the proclamation on behalf of the Burke County NAACP. She thanked the City of Morganton for their partnership. She invited everyone to celebrate with the NAACP February 24, 2024, 10:00 a.m. to 4:00 p.m. at the Collett Street Recreation Center.
 - B. Mayor Thompson announced a City Council Workshop to be held on Friday, February 23, 8:15 a.m. – 4:00 p.m. at the Morganton Community House.
 - C. Mayor Thompson announced that Bethel Park closure and renovations are scheduled to begin on February 5, 2024. A reopen date is not available at this time. Renovations are expected to take up to one year. While these renovations are being made, Mayor Thompson encouraged citizens to continue to enjoy the City of Morganton's other beautiful public parks including Catawba Meadows, Freedom Park, Carbon City Park, Drexel Heritage Park, Martin Luther King, Jr. Park and Martha's Park.
 - D. Mayor Thompson announced that the 30th Annual ACC Chili Cook-Off will be on Friday, March 15th, 11 a.m. to 1:30 p.m. at the Morganton Community House. Tickets are on sale now. They are \$10 each and can be purchased at the Main Street office in Downtown Morganton or online through the City of Morganton website. Tickets will also be available at the door.

E. City Manager Sandy announced that “Dancing with the Stars” has been postponed. She stated that tickets were not sold by CoMMA. She advised those who want a refund must contact the person they bought the ticket from or Travis Stancil.

F. Mayor Thompson announced the following upcoming events:

- **Downtown/City Hall**

Art in the Hall: February/March 2024 – Watercolor and Pencil – Terry Ratchford – Terry is a self-taught watercolor and colored pencil artist from southern Gaston County NC. Terry’s art is inspired by objects experienced and seen around her every day. Her work is an opportunity to revisit the childlike joy of being surprised.

- **Pop-Up Winter Farmers Market:** Saturday, February 10, 2023, 9 a.m. to 1 p.m. at 111 North Green Street.

- **CoMMA Performing Arts Center**

Sunday, February 25, 2024 at 3:00 p.m.

Johnny Cash – The Official Concert Experience

VII. North Carolina Municipal Power Agency Number 1 Update – No report given.

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

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

A. Consideration of Approval of Minutes – For a Regular Meeting held on January 8, 2024.

Approved minutes as submitted.

B. Consideration of Setting the Date for Advertisement of Unpaid Real Estate Tax Accounts for March 6, 2024

Approved the date for advertisement of unpaid real estate tax accounts for March 6, 2024.

C. Consideration of Approval of Contracts for HR Inventory Assessment, Content Manager, HR Management/Recruiting, Time and Attendance, and Employee Access Software

Approved contracts (2024-12, 13, 14, 15, 16) with Tyler Technologies for HR Inventory Assessment, Content Manager, HR Management/Recruiting, Time and Attendance, and Employee Access for initial implementation cost of \$128,719 and recurring annual costs of \$12,831 and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

D. Consideration of Approval of a Budget Amendment to Recognize Proceeds from the Sale of Timber and the Related Expense for the Contract to Sale

Approved a budget amendment (Ordinance 24-08) in the amount of \$148,678 to recognize proceeds from the sale of timber located on Williams Road and the related expense.

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

X. New Business

A. Public Hearings

1. Public Hearing and Consideration of a Rezoning Request to Change the Zoning for 0.68 Acre of Property Located at 0 South Sterling Street (PIN 2703806489) from Medium Intensity District Corridor Overlay (MID-CO) to High Intensity District Corridor Overlay (HID-CO)

Mayor Thompson opened the Public Hearing at 6:13 p.m.

Mayor Thompson recognized Wendy Smith, Director of Development and Design. She stated that the property is located on the southwest corner of South Sterling Street and Moose Street, as shown on the zoning map. The site is currently zoned Medium Intensity District (MID) with Corridor Overlay (CO) and is proposed to be rezoned to High Intensity District (HID) and retaining the Corridor Overlay (CO).

The Medium Intensity District is intended for a variety of medium to high density residential and low to medium intensity civic, institutional, office, service, and retail uses designed to keep the impact on adjacent residential areas at a minimum.

The High Intensity District is established to accommodate high density residential and wide variety of civic, institutional, retail, service, and office uses along major arterials within the City and to ensure these uses are attractive, functional, and do not have a harmful effect on adjacent neighborhoods or other commercial areas of the City.

The intent of the Corridor Overlay is to establish a minimum standard of development along the main thoroughfares within the City to enhance the appearance of Morganton and promote attractive and stable economic development. This overlay applies to any portion of the property within 250 feet of Kirksey Drive.

The parcel is bounded to the east by South Sterling Street, a major corridor entering Morganton from Interstate 40. The parcel is bounded to the north by Moose Street, which provides access to an older residential neighborhood with lots in both Zone Medium Intensity District and Zone Low Intensity District. Land across Moose Street from the subject site is located in Zone MID and is currently vacant, with a marked elevation change such that the property across the street is much higher than the subject site. Any new development on the parcel across the street would look down upon this site, rather than being overshadowed by the subject site.

The parcel to the west immediately adjacent the rear of the subject property is vacant except for a shed associated with a residential parcel located further down Moose Street. The parcel to the south is located in Zone High Intensity District and is developed with Momentum Car Care, a motor vehicle services business. While the motor vehicle services business has sufficient parking on the site for the business as required under the City of Morganton Zoning Ordinance, the success of the business is such that additional parking is needed to accommodate customer demand, which is the reason for the this rezoning request. Automobile parking and motor vehicles services are not permitted in Zone MID but are permitted, subject to meeting development requirements, in Zone HID.

Rezoning to HID could allow any of the permitted uses allowed in HID and base dimensional and density standards of that zone.

The proposed rezoning will allow development that is considered consistent with surrounding uses.

The City's Mission 2030 Comprehensive Plan's Future Land Use Map indicates that the subject parcel's future land use should be General Commercial/Retail, which is consistent with the current proposal.

The City is currently undergoing an update to the Comprehensive Plan wherein the suitability of land uses will be reconsidered. It is preliminarily expected that re-evaluation of the subject area will continue to support intense commercial development in this area.

The Planning and Zoning Commission, at their regularly scheduled meeting held on January 11, 2024, unanimously (8-0) voted to recommend approval of the rezoning proposal to City Council.

Mayor Thompson asked if anyone would like to speak for or against this recommendation. No one approached the podium.

Mayor Thompson closed the Public Hearing at 6:16 p.m.

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and carried unanimously, the Council approved the rezoning of 0 South Sterling Street (PIN 2703806489) from Medium Intensity District (MID) with Corridor Overlay (CO) to High Intensity District (HID) with Corridor Overlay (CO), which is consistent with the adopted Mission 2030 Comprehensive Plan and is considered suitable as:

- creating a transition between zones across a street boundary, rather than in the middle of a block, provides more security for property owners of knowing what types of development may in future be constructed on adjacent lots and therefore reduces risks associated with development;
- the development of the site with general commercial uses is consistent with and fulfills the original expectation of the Mission 2030 Comprehensive Land Use Plan for the site;
- preserving the Corridor Overlay will ensure consistency of development with a pleasant presentation to the streetscape for passersby along the South Sterling Street frontage; and
- utility or traffic impacts from future development can be managed at the time of development.

B. Other Business

1. Consideration of Approval of a Lease Agreement Between City of Morganton and AT&T, Inc. for Location of Telecommunications Antennas on "Monopine" Tower at 105 Steeple Heights Lane

Louis Vinay, Jr., City Attorney, advised that the City of Morganton owns a small parcel of land at 105 Steeple Heights Lane on which the City erected, and operates and maintains, a telecommunications tower in the form of a "monopine", for use by the City for Public Safety and other communications.

The City has long had a policy of encouraging telecom providers to "co-locate" new antennas on existing structures whenever possible, rather than erecting new towers. The monopine has structural capacity to accommodate additional telecommunications antennas beyond those of the City itself. AT&T, a major telecom provider, has expressed interest in co-locating on the Steeple Heights Lane monopine. AT&T has performed necessary engineering work to determine that the monopine has sufficient structural

ability to support the level of antennas they intend, and that the City's lot has room for any required ground units associated with such antennas. AT&T has also worked with the City's Department of Development and Design to confirm that its plans meet City zoning and building code requirements.

After negotiation with City staff, AT&T has requested an agreement by which they would have an option for one year, with ability to extend by another year, to enter into a lease or license agreement for use of the monopine. Such lease would be for an initial term of ten (10) years, with the ability to renew for two additional terms of 5 years each. The rental or license fee for the first year of the term would be \$1,400 per month, and would increase by 2% each year thereafter, including for any renewal terms. The monthly payment would also increase if the tenant exercises the right to make certain additional use of the monopine structure or the ground unit, as detailed in the agreement.

City Attorney Vinay advised Council that this would not be exclusive to AT&T, and if another possible user approached the City, it would be considered.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and carried unanimously, the Council approved an Option and License Agreement granting AT&T, Inc. an option to enter into a license agreement or lease for an initial term of ten years, for location and operation of telecommunications antennas and related equipment on the City-owned "monopine" tower at 105 Steeple Heights Lane and to authorize the Mayor and/or City Manager to execute such agreement and any other necessary documents.

2. Consideration of Adopting of a Resolution of Intent to Exchange Real Properties with Western Piedmont Community College

City Attorney Vinay stated 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 26.87 acres of the City's property, on both sides of Vine Arden Road ("the City Property"), to develop there a new Emergency Services Training Center, and the City is pleased to enable that project by deeding a portion of the City Property to WPCC.

WPCC owns large tracts of real property along the west side of Patrick Murphy Drive, adjoining the Burke County property on which the County Agricultural Center is located. The City has identified a portion of those lands, consisting of approximately 6 acres ("the WPCC Property") which we wish to acquire as the site of a future new Public Safety station, and WPCC is willing to deed that property to the City. Other than acquisition of this land, the City is not at this time committed to further development of this project, beyond initial planning.

Public bodies such as the City and WPCC may transfer real property to each other, or in this case exchange properties, without going through the procedures otherwise required for acquisition or disposal of real property. The City and WPCC have determined that the actual value of their respective properties described above are quite similar. Although the City Property is larger in area, the location and nature of the WPCC Property is such that it is far more valuable per acre.

The parties have prepared warranty deeds in suitable form for each other's lands. At this time, City Council is asked to approve this exchange of properties.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, the Council adopted a resolution of intent approving conveyance to Western Piedmont Community College of two tracts, totaling approximately 26.87 acres, on Vine Arden Road, and in exchange, accepting conveyance from Western Piedmont Community College of a tract of approximately 6.0 acres on Patrick Murphy Drive, and authorizing Mayor and/or City Manager to sign deed and any other necessary documents.

3. Consideration of Approval of a Contract for Engineering Services with McGill Associates for the North Green Street Streetscape Project and Approval of a Budget Amendment to Establish a Capital Projects Fund

City Manager Sandy advised that the City of Morganton advertised for Request for Qualifications on September 9, 2023, for the N Green St. Streetscape Project. City Staff received six RFQ submittals from engineering firms on October 26, 2023. After evaluation of these submittals by City Staff, two firms were selected to do an in-person presentation with City Staff. After the presentations were completed, McGill Associates was asked to discuss the project and evaluated to provide a proposal for an Agreement for Engineering Services with a project scope and cost for their design services. After evaluation of this Agreement for Engineering Services, staff recommends an award of contract with McGill Associates in the amount of \$355,600.00 for the Design, Bidding and Awarding Phase of the North Green Street Streetscape Project.

As a reminder, this project encompasses two blocks on North Green Street (from Union to Patterson). We have received a \$450,000 Rural Transformation Grant for this project. Our estimated costs, both General Fund and Utilities, is around \$4 million. Completing design work and bidding will finally nail down the actual costs so that we can make decisions regarding funding and final scope.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and carried unanimously, the Council approved a contract with McGill Associates in the amount of \$355,600.00 to perform the Design, Bidding and Awarding Phase of the North Green Street Streetscape Project, and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

City Manager Sandy advised that the budget amendment has several line items. This effects every fund and each are paying their proportion of the contract.

Upon motion by Councilmember McSwain, seconded by Councilmember Cato, and carried unanimously, the Council approved a budget amendment (Ordinance # 24-07) to establish a Capital Project Fund for the North Green Street Streetscape Project.

4. Consideration of Adoption of a Resolution of Intent to Permanently Close and Abandon a Portion of Romarco Road and Set a Public Hearing Date

City Attorney Vinay stated that MS & MF Development, LLC, owner of real property at 123 Romarco Road, has petitioned the City to permanently close and abandon a portion of the former course of Romarco Road. Many years ago, the course of Romarco Road (a City street) was re-routed when NC DOT widened and improved the adjoining Jamestown Road. The former roadway has been removed and eliminated but the right-of-way still exists. MS & MF has acquired the tract of approximately 6 acres along the east side of Romarco Road at its intersection with Jamestown Road, which land includes all the of the former course of Romarco Road. For this reason, they have requested the City to permanently abandon the right-of-way of the old

or former course of Romarco Road, as authorized under NCGS 160A-299. The City had no need or plans for use of the former course of the street, as the current Romarco Road is fully adequate.

Upon review and consideration, City staff has recommended that City Council consider adopting a Resolution of Intent to close this former street, subject to reservation of easements for all existing utilities within the right-of-way for maintenance and replacement, and to call for a public hearing as required by law.

Upon motion by Councilmember Jernigan, seconded by Councilmember Hawkins, and carried unanimously, the Council adopted a Resolution of Intent (Resolution #24-06), pursuant to N.C.G.S. 160A-299, to permanently close a portion of the former course of Romarco Road, retaining the existing utility easements within such street, and abandoning the right-of-way of such section of street in accordance with the statute; calling for a public hearing on this matter for Monday, March 4, 2024; and directing City staff to publish appropriate Notice of Hearing.

5. Appointments to Boards and Commissions

a. Morganton Housing Authority

There is currently one expiring term on the Morganton Housing Authority Board. The expiring term is for Adriana Morris. She has been a consistent member of the Morganton Housing Authority and is willing to continue serving on this Board.

Morganton Housing Authority Director Victoria Smith has requested that Adriana Morris be reappointed for another 5-year term which would expire in 2029.

This is a Mayoral appointment.

Mayor Thompson reappointed Adriana Morris to the Morganton Housing Authority Board with a term to expire February 1, 2029.

b. Cable TV Commission

This is a City Council appointment.

Walter Church, Jr. has expressed an interest in serving on this board. His application is attached to this summary.

There are several vacancies, including a High School appointment, an AARP appointment and an at-large appointment. City staff recommends the appointment of Mr. Church to the at-large vacancy to serve a 3-year term to expire on June 1, 2027.

Upon motion by Councilmember Cato, seconded by Councilmember Jernigan, and carried unanimously, the Council appointed Walt Church, Jr. to the At-Large Appointment on the Cable Television Commission for a 3-year term to expire on June 1, 2027.

c. Library Board of Trustees

Former Councilman John Cantrell has been the Council appointed representative on the Burke County Library Board of Trustees since 2012. His appointment will expire on February 28, 2024.

Jim Wilson, Director of the Burke County Public Library, states that Cantrell has been a consistent member of their board and requests that he be reappointed for another one-year term. Upon motion by Councilmember , seconded by Councilmember , and carried unanimously, the Council reappointed John Cantrell as the City representative on the Burke County Library Board of Trustees for a term to expire February 28, 2025.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and carried unanimously, to reappoint John Cantrell as the City representative on the Burke County Library Board of Trustees for a term to expire February 28, 2025.

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

City Attorney Vinay stated that he would like to update Council on the sale of property located at 210 West Meeting Street. This was approved at the Regular City Council Meeting on January 8, 2024. He advised that the sale of property was duly advertised with no upset bids. The sale has become final. Jeff and Laura Toner will be closing on this transaction later this week.

XII. Reports – No reports were given.

XIII. Adjournment – Mayor Thompson adjourned the meeting at 6:32 p.m.

Preparation of Minutes. These minutes were prepared by Renee C. Carswell, City Clerk. 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

