

MINUTES
REGULAR MEETING
CITY COUNCIL

April 4, 2022

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.

- Joseph Bateman - Resides at 118 Dogwood Drive - He read several quotes from the Bible. He advised that he received a Notice of Violation and he followed up with a "Cease and Desist Order". The City promptly responded with a letter stating that they felt they were in the right. He feels that the City does not have a right. He wants the City to produce a signed contract between himself and the City where he relinquishes his rights to the City of Morganton to govern over him. He will take legal action if this contract is not produced. He stated he was ready to take it a step further. He stated that it is time for a change and that he plans to be part of that change.

- Victoria Bateman - Resides at 118 Dogwood Drive - She listed homelessness statistics and read a prepared statement. She listed several agencies and discussed several options available to assist the homeless gain skills for employment. She focused on providing farming programs to aid in employment and accessing housing. She emphasized that farming training programs would assist the homeless in gaining employment, housing, self-esteem and much more.

- Sherry McGimpsey was called, however was not present.

- Rita Abee was called, however was not present.

- Alan Wood - Resides at 106 Pine Bark Court – He spoke regarding the requested rezoning on N. Green Street and College Street. He stated that Burke Development Inc. (BDI) has worked to obtain housing for Burke County and the City. As of October

2021, the vacancy rate for apartments in Burke is .01% and there is less than one month's supply of houses on the market for sale in Burke County. He stated that we need 761 housing units each year to support 2% population growth. The number of tracts to be developed are few and far between. City staff believes that the impact due to traffic or other conveniences on these two rezoning sites are negligible. Severely need housing in Burke County. Must have access to housing in order to support employers and to grow our population.

- Joe Phillips - Resides on Union Street - He addressed the audience. How many in attendance are social workers, from the Mission or from the ministry services? He challenged these individuals to take care of the homeless. Investigated a homeless person in the 1990's who did not want to work. He felt that there are a lot who take advantage of the system.

Floyd Bethea, Cody James Pearson and Jessica Beam were on the list to speak, however, prior to the meeting, asked the Clerk to remove them from the list.

No other speakers signed up, appeared, or sent letters/email.

III. Pledge of Allegiance to the Flag – The Pledge was led by Councilman Jernigan.

IV. Invocation – The invocation was given by the Rev. Burt Williams of North Morganton UMC.

V. Introduction of Council – The Mayor introduced Council and staff.

VI. Public Advocacy Issues and Strategies

a. Presentation by Mark Patrick, School Director, NCSD – Mr. Patrick stated that he wanted to share the amazing things that NCSD is doing. He shared that the school is now dually accredited and serves students who are deaf and hard of hearing – 3 years old to 22 years old. NCSD has a licensed and certified pre-k program and a post-secondary program that serves students who are 18 years old to 22 years old. NCSD has revamped their mission, which is to provide a student centered program in a multi-cultural and multi-lingual environment for the deaf and hard of hearing. They provide a tiered approach. Students are enabled and empowered to be productive, contributing members of the community. NCSD's vision is that students will thrive individually and academically.

Mr. Patrick listed several on-going opportunities at NCSD:

- Beautification of the campus.
- Received federal funds to begin renovation of the Superintendent's house.
- A new collaboration with NCSSM has begun developing ways to utilize both campuses to benefits students from NCSD and NCSSM.

- Well-established collaborations with the Burke County Public Schools and Western Piedmont Community College.

Current enrollment is 77 students. NCSD is working to continue to be viable. Currently working on a new strategic plan to cover the next 3 years.

Mr. Patrick stated that he and staff are working diligently on engaging family and stakeholders. He feels that energy, enthusiasm and hope are vital and wanted to leave all of Council with the fact that students and staff are excited about the future of NCSD.

b. The Mayor read a proclamation regarding Child Abuse Prevention Month. Upon motion by Councilwoman Cato, seconded by Councilman Hawkins, and carried unanimously, the Council approved the proclamation. The proclamation was presented by Councilman Jernigan and accepted by Lisa Schell, FUTuRES Program Coordinator, BCPS, along with Miss Teen Morganton, Ashlyn Robinson. A pinwheel garden will be planted at City Hall to help bring awareness to child abuse prevention.

c. The Mayor announced upcoming events including:

•Downtown

Food Trucks are moving from King Street to Courthouse Square beginning April 1, 2022. Enjoy a variety of Food Truck option in addition to our downtown dining every Monday and Wednesday from 11am-2pm

Pop-Up Farmers Market from 9am-1pm at 111 North Green Street – April 9, 2022

Save the Date – Grand Opening and Ribbon Cutting for the Old Historic Courthouse Square – May 6, 2022 at 12 pm – Followed by public tours – details to be announced

Art in the Hall: Work by Casey Cole – Papier-mâché

•CoMMA

Etta May & The Southern Fried Chicks – Saturday, April 30, 2022 at 7:30 pm

•Recreation

Easter Egg Hunt – Catawba River Soccer Complex – April 9, 2022 beginning at 10:00 am – Egg Hunt will begin at 11:30 am

Appalachian Road Show – Outdoor Amphitheater CoMMA – April 25, 2022 – 4 to 6 pm

Opening Night Little League Baseball – Catawba Meadows Park - April 25, 2022 at 5:45 pm – Raindate – April 26, 2022

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

VIII. Consent Agenda – The City Manager presented the Consent Agenda and asked if any items should be removed. No request was made.

Upon motion by Councilman Jernigan, seconded by Councilman Hawkins, 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 March 7, 2022 and for the Council Workshop held on February 25, 2022 as submitted.

B. Approved a budget amendment (Ord. 22-13) in the amount of \$1,371.60 to recognize receipt of payment for insurance reimbursement for damage to a cemetery truck.

C. Approved a budget amendment (Ord. 22-14) in the amount of \$2,339.60 to recognize receipt of payment for insurance reimbursement for damage to an electric truck.

D. Approved waterline easements with CCHU Morganton, LLC and HU Morganton Partners, LLC at Murphy's Farm Apartments.

E. Approved a new ARPA & Special Projects Manager position with a pay grade of 38 (69,652- 87,065 – 104,478).

IX. Items Removed from Consent Agenda - There were no items removed.

X. New Business

A. Public Hearings

1. Public Hearing and Consideration of Application to Re-Zone Tracts of Land at 510 South College Street from Medium Intensity District to High Intensity District

The Mayor opened the public hearing at 6:41 p.m. Councilwoman Cato requested to excuse herself from the vote due to the decision likely to have a direct financial impact on her, since she represents a buyer of one of the properties.

Upon motion by Councilman Jernigan, seconded by Councilman Hawkins, and carried unanimously, the Council voted to excuse Councilwoman Cato from consideration or voting on this matter. City Attorney Vinay stated that this action is taken out of an abundance of caution under State law to make sure there is no potential conflict of interest.

Phillip Lookadoo stated that Peachland Rental Associates has applied to re-zone four tracts located on or just off South College Street, between West McDowell Street and Herron Street, from Medium Intensity District (MID) to High Intensity District (HID). The tract at 510 South College is 2.14 acres, that at 450 South College is 4.4 acres, the lot at the corner of South College and West McDowell is 1.13 acres (which is owned by the City), and the lot behind that on West McDowell is 1.27 acres. Both lots on McDowell are vacant. All of this property was once part of the campus of the old Morganton High School and Junior High School.

The MID zone is intended for a variety of medium to high density residential uses, and low to medium density institutional, office, service and retail uses with minimal impact on adjacent residential areas. The HID zone is intended to accommodate high density residential and a wide variety of institutional, office, retail, service and light (inside buildings) manufacturing uses.

The subject tracts are adequately served by City water and sanitary sewer, and of course have full access to either South College, Herron or West McDowell Streets.

Re-zoning of these tracts to HID could impact adjoining lands by increasing traffic and noise, and by increasing overall intensity of uses. Manufacturing inside a fully enclosed building is the most intense use permitted in HID that would not be allowed in MID. The maximum base residential density in MID is 2 units per acre and the maximum with performance points is 10 units per acre. By comparison, the maximum base residential density in HID is 6 units per acre, and with performance bonuses this could rise to 20 units per acre.

The City's Mission 2030 Future Land Use Plan identifies all 4 subject parcels as part of a larger area designated "Institutional/Governmental". Therefore, if Council determines to re-zone these properties, Council should also amend the 2030 Plan for this area to accommodate Commercial Mixed Use.

After analysis, City staff concluded that, with changes in public demand and community vision since the 2030 Plan was adopted, as reflected in the 2017 Downtown Master Plan, it is appropriate to change the designation of this area to Commercial Mixed Use. Staff, therefore, recommended approval of this re-zoning request. After a public hearing at its March 10, 2022 meeting, the Planning & Zoning Commission voted by a margin of 6-0 to approve re-zoning of the 4 subject tracts from MID to HID, and to recommend amending the 2030 Future Land Use Map as proposed.

The City of Morganton owns the 1.13 acre lot on the corner of South College and West McDowell Streets.

- Scott Person - Resides at 708 Vine Arden Road – He spoke in favor of this rezoning.

There being no further public comment, the Mayor closed the public hearing at 6:48 p.m.

Upon motion by Councilman Hawkins, seconded by Councilman Jernigan, and carried by a vote of 4-0, Councilmember Cato not participating, the Council voted to amend the City's 2020 Future Land Use Map for the 4 parcels on South College Street between West McDowell Street and Herron Street to change their designation from Institutional/Governmental to Commercial Mixed Use.

Upon motion by Councilman Jernigan, seconded by Councilman Hawkins, and carried by a vote of 4-0, Councilmember Cato not participating, the Council approved re-zoning of four tracts, at 510 South College Street, 450 South College Street, and the east side of West McDowell Street back from South College Street, from Medium Intensity District to High Intensity District (Ord. 22-16).

2. Consideration of Application to Re-Zone Two Tracts of Land at 1121 North Green Street from Low Intensity District to Medium Intensity District—Restricted Residential Overlay

The Mayor opened the public hearing at 6:49 p.m.

Phillip Lookadoo stated that KRP Investments, LLC, has applied to re-zone two adjoining tracts located at 1121 North Green Street from Low Intensity District (LID) to Medium Intensity District—Restricted Residential Overlay (MID-RRO). One tract is 4.47 acres and the other is 1.96 acres. The 2 parcels are separated from North Green Street by other property in the same ownership, which is zoned High Intensity District—River District Overlay. Immediately to the west of the 2 parcels is a residential neighborhood (the Meadow View subdivision) which is zoned LID-Neighborhood Conservation Overlay. All these properties are within the City's ETJ, and one of the subject tracts immediately adjoins the City limits. The Mission 2030 Master Plan designates the 2 subject parcels, as well as the Meadow View subdivision, as "Residential Low Density", while the parcels fronting North Green Street, or immediately adjoining within the City limits, is designated "General Commercial/Retail".

LID is primarily for single-family and other low density residential uses, with certain limited non-residential services. MID is intended for a variety of medium to high density residential uses, and low to medium density institutional, office, service and retail uses with minimal impact on adjacent residential areas. The Restricted Residential Overlay restricts uses to residential and ancillary, while allowing the higher residential densities of MID.

The properties for which re-zoning is sought have street access only through the frontage tracts along North Green Street (NC 181), so that development would require either the grant of easements, or the recombination of properties. The subject tracts can be served by City water and sanitary sewer, but the current sewer lines along North

Green would require improvements in order to accommodate higher density multi-family residential development.

Re-zoning of these tracts to MID-RRO could impact adjoining lands by adding slightly higher density, and by increasing traffic. LID and MID both allow base residential density of only 2 units per acre. However, the maximum density in LID with performance bonuses is 6 units, while in MID the maximum is 10 units per acre.

The City's 2030 Future Land Use map indicates the subject parcels as "Residential Low Density". Therefore, if Council determines to re-zone these properties, Council should also amend the 2030 Plan to accommodate Residential Medium Density.

After analysis, City staff concluded that, with the Restricted Residential Overlay, the proposed re-zone would have minimal impacts on surrounding land uses, and that only minor amendment of the 2030 Plan would be required. Staff therefore recommended approval of this re-zoning request. After a public hearing at its March 10, 2022 meeting, the Planning & Zoning Commission voted by a margin of 4-2 to approve re-zoning of the 2 subject tracts from LID to MID-RRO, and to recommend amendment of the 2030 Plan map as requested.

City Manager Sandy stated for public record that several emails concerning the matter were received at City Hall for the Mayor and Council. These emails have been provided to the Mayor and Council.

- David Wells - Resides at 203 Meadowview Street - He stated that his property would be negatively impacted by the rezoning. He, his wife and several other neighbors are concerned about noise, congestion and property values. The current zone is consistent with the 2030 future plan use and with the vision most people have for Morganton. If this rezoning is allowed, where will it stop? He requested that the Council vote against this rezoning.
- Craig Stone – Works for Winfield Properties and KRP Investments located in Jamestown, North Carolina - They proposed a 72-unit development to be called Deer Point Apartments. This parcel was selected due to the lifestyle amenities, access to grocery stores, etc. They will work diligently with Staff regarding traffic, water, zoning, etc. This will be a \$14 million investment. He stated they have other properties in Morganton, including Meadowbrook Apartments.
- Dana and John Black - Reside at 111 Meadowview Street - Ms. Black is concerned about the traffic and states there have been constant wrecks. Accidents between Sanford Drive and Mull Drive average about 30 accidents per year. Accidents will increase with the increase of people and vehicles. Also concerned about privacy – tenants will be looking down directly into backyards, into swimming pools. No buffer, trees or fencing that will help with the privacy issue. If approved – how many feet off our property line, how much buffer, will the trees left be within the buffer, the wind impact of larger trees falling onto their property is a concern. Is this low income

housing? If low income, crime rate will increase. If it were in your backyard would you want it?

City Attorney Vinay reminded Council that in deciding this matter, they should not take into consideration any specific plans of the applicant, KRP. The request is only for rezoning to allow for the change to from LID to MID.

Phillip Lookadoo addressed the buffer question. Side setbacks in MID are 10 feet, Type II Buffer – 15 feet with certain density of plants and requirement of fence.

Daphne Stephens - Resides at 109 Meadowview Street - She stated there are several concerns regarding the cemeteries bordering this property. The Advent Church has a cemetery and there is the Quaker Meadows Historic Foundation cemetery. A member of the Historic Foundation stated that a survey archeologist would need to be hired to complete a survey outside of these two cemeteries to be sure no unmarked graves will be affected. There is concern for vandalism and digging into grave if a project begins. She asked the Council to take this into consideration.

She asked if this rezoning property was in the County or the City? City Manager Sandy stated that it is part of the extra-territorial jurisdiction (ETJ). Property in the ETJ is subject to City zoning.

Stephens stated that current residents purchased their property and built their homes knowing that it was LID. Homes have been in this area for 20 years. MID rezoning requests would greatly devalue the homes in this neighborhood.

Joseph Bateman - Resides at 118 Dogwood Drive - He stated that he wanted to educate the City and those attending the Council meeting. He stated that the City of Morganton is a corporation not a government. He asked the City Attorney what State law gives the City of Morganton, a Corporation, the jurisdiction/authority to govern over this land? He states that a corporation cannot be a sovereign government.

David Miller - Resides at 2980 Oak Forest – Mr. Miller has two vacant building lots on this property. He previously planned to build. He asked the Council to consider that people have bought and want to build for retirement and that current property owners will be affected negatively. He asked the Council to consider the current residents who bought and built knowing that it was long-term.

There being no further public comment, the Mayor closed the public hearing at 7:15 p.m.

Upon motion by Councilman Jernigan, seconded by Councilman McSwain, and carried unanimously, the Council adopted to amend the City's 2030 Future Land Use Map for the two tracts, totaling about 6.43 acres, at 1121 North Green Street, from Residential Low Density to Residential Medium Density (Ord. 22-15).

Councilwoman Cato commented that the need for housing is great, however tonight is not saying we rubber stamp a project, but that we are saying that we have a piece of property that has an opportunity to bring more housing, hopefully will be for workforce housing verses downtown housing. She stated by changing the 2030 Future Land Use Plan the City is adapting ourselves to the needs of today and not the needs of 2017.

Upon motion by Councilwoman Cato, seconded by Councilman Hawkins, and carried unanimously, the Council voted to approve re-zoning of two tracts, of 4.47 acres and 1.96 acres, at 1121 North Green Street, from Low Intensity District to Medium Intensity District—Restricted Residential Overlay.

B. Other Business

1. Consideration of City of Approval of Waterline Relocation Construction Agreement for NCDOT Project 17BP.R.165 (Burke Bridge #155) on SR 1410 (Goodman Lake Rd.)

City Manager Sandy stated this project involves the relocation of a City waterline that is in conflict with a NCDOT bridge replacement project. The City requested that the NCDOT include the waterline relocation as part of their project with the understanding that 75% of the cost associated with this relocation would be borne by the NCDOT and that the City would be responsible for the other 25%.

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council approved an agreement contract with NCDOT for the waterline relocation on Goodman Lake Road at a cost to the City of \$22,213.00.

2. Consideration of Award of Contract to Gannett-Fleming to Complete 100% Designs for College Street Right-Sizing Project

City Manager Sandy stated the design engineering firm to which the City awarded a contract for 25% designs, has submitted, on City Staff's request, a proposed contract for 100% designs for the College Street Right Sizing project. The project budget is currently at \$3,312,000. The total is broken down into \$2,649,600 in grant funding from FHWA and \$662,400 in match funding provided by the City of Morganton. To date, 25% designs have been completed at a cost of \$186,050.63. The proposed cost for 100% designs is for up to \$425,703.87. This will allow the City to receive complete designs ready for NCDOT approval, right-of-way acquisition and to go out for bid for construction of the project.

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council awarded a contract to Gannett-Fleming for completion of 100% plans for the College Street right-sizing project, in an amount not to exceed \$425,703.87.

3. Consideration of Award of Contract to Wildlands Engineering to Complete 2022 Grant Applications with Golden LEAF and EEG for Bethel Park Improvements

City Manager Sandy stated that Wildlands Engineering, one of our on-call engineering firms, is assisting in submitting grant applications to Golden LEAF and the 2022 EEG Grant as issued by the State of North Carolina Attorney General's Office. Both grants are for the furtherance of the Bethel Park stream restoration project. The contract amount for Wildlands is for \$3,150, Golden LEAF fee is \$2,300 and EEG is \$850.

Upon motion by Councilman McSwain, seconded by Councilman Hawkins, and carried unanimously, the Council awarded a contract to Wildlands Engineering for \$3,150 to complete 2022 Grant Applications with Golden LEAF and EEG for Bethel Park improvements.

4. Consideration of Approval of Several Items Related to Bethel Park Phase I Restoration

City Manager Sandy stated that the City has been awarded a grant from North Carolina Land and Water Fund (NCLWF) to assist with the Phase I renovation of Bethel Park. The grant is authorized up to \$500,000. Phase I of Bethel Park restoration is a flood mitigation project, which includes stream restoration of the East Prong of Hunting Creek. The City of Morganton 2021/2022 budget includes \$409,107 in matching funds and appropriations for up to \$278,203 of matching in-kind work to assist with this phase of the park improvements.

The City is working with Wildlands Engineering for technical assistance and engineering design services to complete Phase I. The City staff recommends contracting with Wildlands for design and permitting work in an amount up to \$202,743, for this portion of the park renovation. Construction documents and approvals will be presented to Council at a later date once design is complete.

In order to accept this grant and continue moving forward with Phase I of the Bethel Park renovation, the following is required:

- A. Approval of a resolution accepting the NCLWF grant of up to \$500,000 (Resolution and draft grant agreement attached);
- B. Approval of a budget amendment (Ord. 22-12) to establish the multi-year project budget for Bethel Park Phase I renovations in the amount of \$1,187,310; and
- C. The award of a contract for design and permitting services to Wildlands Engineering for Phase I in an amount not to exceed \$202,743.

Upon motion by Councilman Hawkins, seconded by Councilwoman Cato, and carried unanimously, the Council voted to approve a resolution accepting the NCLWCF grant of \$500,000 and to authorize the Mayor and/or the City Manager to execute and issue

such grant agreements on behalf of the City together, with the additional authority to make such alterations, technical amendments and changes as may be necessary to implement each of the agreements.

Upon motion by Councilman McSwain, seconded by Councilman Jernigan, and carried unanimously, the Council voted to approve a budget amendment to establish the multi-year project budget for Bethel Park Phase I renovations in the amount of \$1,187,310.

Upon motion by Councilman Jernigan, seconded by Councilman Hawkins, and carried unanimously, the Council awarded a contract for design and permitting services to Wildlands Engineering for Phase I in an amount not to exceed \$202,743 and to authorize the Mayor and/or the City Manager to execute and issue such contract on behalf of the City, together with the additional authority to make such alterations, technical amendments and changes as may be necessary to implement such agreement.

5. Consideration of Approval of an Application for a Parks and Recreation Trust Fund Grant for Bethel Park Improvements

City Manager Sandy stated that Bethel Park is located adjacent to the City of Morganton's most densely populated areas in our city-wide park system. The City staff is asking for approval to apply for a \$500,000 PARTF grant to help fund amenities at Bethel Park. This grant requires a local match. The grant cycle is May 2, 2022. The City is in the fortunate position to be able to match this grant with funding already in place for the NCLWF grant. The City Council held the required public meeting to receive input on the park design earlier this afternoon. Additionally, City staff presented the proposed park design to two civic groups in the last several weeks. The renovations and new amenities will provide our citizens with an updated multiuse park. The recommendations for this park follow our 2018 Comprehensive Recreation Master Plan. If additional local funds are needed to finish the project, including all amenities committed in PARTF application, the City will provide those. According to current budget estimates, an additional \$1,183,000 in local funds may be required over the 3-year project period.

Upon motion by Councilman McSwain, seconded by Councilwoman Cato, and carried unanimously, the Council voted to support the grant application to Parks and Recreation Trust Fund requesting \$500,000 for the Bethel Park, Phase I project, and to commit to providing the local matching funds. PARTF's local match requirement may be met with the City's existing \$500,000 commitment from NCLWF.

6. Consideration of Award of Contract to W.K. Dickson & Co., Inc. to Submit Applications for Spring 2022 Funding for Water and Wastewater Infrastructure

City Manager Sandy stated that City staff has been working for the past few years to identify funding for water and sewer infrastructure. Two large projects – (1) Silver Creek Pump Station and (2) WTP Coagulation and Sedimentation Basins rebuild - have been identified as necessary and designed. These projects are ready to bid pending

identification of a funding source. The City staff recently met with W.K. Dickson & Co., Inc. engineers regarding funding opportunities for these projects. It is believed that the City qualifies to apply for ARPA grant funding being awarded by the Division of Water Infrastructure (NCDEQ-DWI) in the Spring 2022 application cycle. The funding application will first seek 100% grant funds, with the understanding that the City would accept low interest loan funding if the grant funding is not awarded.

W.K. Dickson & Co., Inc. will provide technical services to assist in applying for 2022 DWI funding for these two projects for a not-to-exceed fee amount of \$15,000 for these services. The complete applications will be submitted by the due date of May 2, 2022. There is adequate funding for the contract available in the 2021/2022 budget so no amendment is required.

In order to begin this first step in the process, the City Council must take three steps:

- (A) Approve a contract with W.K. Dickson & Co., Inc. for up to \$15,000 to prepare the applications for submittal to DWI by May 2, 2022;
- (B) Approve a resolution authorizing the application to NCDEQ-DWI Spring 2022 for the construction of the wastewater project to improve the Silver Creek pump station. This project is currently estimated at \$5.3 million including a 20% contingency due to current pricing fluctuations;
- (C) Approve a resolution authorizing the application to NCDEQ-DWI Spring 2022 for the construction of a drinking water project to upgrade and rebuild the water treatment plant coagulation and sedimentation basins. This project is currently estimated at \$4.16 million including a 20% contingency due to current pricing fluctuations.

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council awarded a contract to W.K. Dickson & Co., Inc. for up to \$15,000 to prepare the applications for submittal to NCDEQ-DWI by May 2, 2022.

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council voted to approve a resolution (Res. 22-12) authorizing the application to NCDEQ-DWI Spring 2022 for the construction of the wastewater project to improve the Silver Creek pump station.

Upon motion by Councilman Hawkins, seconded by Councilman Jernigan, and carried unanimously, the Council voted to approve a resolution (Res. 22-11) authorizing the application to NCDEQ-DWI Spring 2022 for the construction of a drinking water project to upgrade and rebuild the water treatment plant coagulation and sedimentation basins.

7. Consideration of Award of Contract for the Shuey Park Restroom Facility Project

City Manager Sandy stated that several years ago the restroom facilities at Shuey Park were damaged in an automobile accident. The damages were assessed by the City's insurance carrier and the City received two payments totaling \$75,000. Additionally, the City received a private donation of \$50,000 to help pay for this project. This project involves building the new 17'- 5" X 30' +/- restroom facility building, with a footprint of approximately 1329 SF +/-.

Informal bid proposals were received and opened by the City Development and Design Services Department on Tuesday March 29, 2022. Six bids were submitted for the project. The lowest responsive, responsible bid was submitted by CSC Construction of Morganton, NC, in the amount of \$133,697.00. The bid tabulation sheet is attached. No budget amendment is necessary.

Upon motion by Councilman McSwain, seconded by Councilman Hawkins, and carried unanimously, the Council awarded a contract to CSC Construction of Morganton NC, in the amount of \$133,697.00, to perform the Shuey Park Restroom Facility Project.

8. Consideration of Approval of a Preliminary Plat – West Union Terrace Located Along Lyman Court

Development and Design Director Phillip Lookadoo stated that a preliminary plat has been submitted for Phase II of West Union Terrace subdivision. This subdivision consists of 7 total lots proposed to be situated along Lyman Court and West Union Street. This is a project that sought out and is incorporating performance points, which is why they are able to build 7 units as opposed to 2 units.

- Applicant is requesting street right-of-way required to be reduced at the entrance from 40 feet to 30.5 feet with it increasing to 38 feet at the end of the street. Similarly, applicant is requesting that the pavement width be reduced from 24 feet to 21 with a 2 feet wide grass strip between back of curb and the sidewalk. These requests were recommended by Staff and the Planning and Zoning Commission as they are in compliance with the NCDOT Complete Streets Design Manual.
- The developer requests, per the Subdivision Ordinance, to be able to pay a fee in lieu of the required dedication of open space. The fee in lieu is based on the tax value of the amount of land to be dedicated as open space. See calculation below:

Number of Lots (7) X Average Household Size for Morganton (2.58) X .008 (1 acre of open space per 1000 people) = 0.14 acres.

PIN	Tax Value
2703156576	\$153,726
2703157369	\$11,600
2703158591	\$17,600
2703159443	\$13,200

Total	\$196,126
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Tax Value (\$196,126) X 0.14 Acres (See above required dedication) =
\$27,457.64

The Planning and Zoning Commission, at their regularly scheduled meeting held on March 10, 2022, voted 6-0 to recommend approval of the preliminary plat for West Union Terrace as proposed, and to allow a fee in lieu payment in place of the required open space dedication. The Commission also approved a statement of consistency of this proposed subdivision with the Mission 2030 Comprehensive Land Use Plan.

Upon motion by Councilman Jernigan, seconded by Councilman McSwain, and carried unanimously, the Council approved, with conditions, the preliminary plat for West Union Terrace as recommended by the Planning and Zoning Commission, with condition that developer pay a fee in lieu of open space dedication, calculated as stated above.

9. Appointments to Boards and Commissions

a. Historic Preservation Commission

The following person indicates their willingness to serve on the Morganton Historic Preservation Commission (HPC). HPC recently had a member to resign due to relocation out of Morganton, leaving a vacancy (David Stevenson) for a term, which expires on November 8, 2023:

Ruth Roseboro

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council approved Ruth Roseboro for the remainder of the 3-year term on the Historic Preservation Commission expiring on November 8, 2023.

10. 30-Day Notice Boards and Commissions

The Mayor announced that the following vacancies will exist on the Human Relations Commission: expiring terms for Alice Horton – BUCM, Tricia Evans-Hunt, Patricia J. Irwin. He also announced a vacancy due to the death of Gale Jones.

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.

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

1. City Manager Sandy stated that she has designated Renee Carswell as the City Clerk.
2. William Andrews owner of the properties considered with the plat. He is objecting to the \$27,000 impact fee. This area will be on the east side of the street. He stated that 200 feet by 70 feet will be used for a community park but still keep it private. Plans are being drawn for the east side. This was duly noted by Council. He was advised to work with Legal and Planning and Zoning.

XII. Reports

XIII. Adjournment –The Mayor adjourned the meeting at 7:46 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