

MINUTES
REGULAR MEETING
CITY COUNCIL

August 1, 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.

The following persons requested to be added for Public Comment and were called by Mayor Thompson to come to the podium for comment:

- Ron Michaux – Resides at 218 Laurel Hills Drive in Morganton, NC – Owner of M&R Enterprise – Mr. Michaux stated he had a complaint against the filth that the homeless are leaving on the outside of his business property. He brought a folder with pictures to document the work cleaning up properties due to the homeless population. He stated that every two weeks he has to get his employees to come clean up the trash (beer bottles, drug paraphernalia, etc.) around his business, which is located at 201 College Street, right beside Public Safety.

He stated that some of the homeless are from New York, Raleigh, Washington, DC and Maryland and are being dropped off. He stated that he and his family, including his granddaughter, were at the Courthouse Square two weeks ago. His granddaughter and wife were approached by a homeless man from New York with tattoos. He, along with his business, deals daily with cleaning up the trash.

- III. Pledge of Allegiance to the Flag – The pledge of allegiance was led by Councilmember Hawkins.
- IV. Invocation Given by City Attorney Louis Vinay, Jr.
- V. Introduction of Council – The Mayor introduced Councilmembers and staff.
- VI. Service Pins - The Personnel Committee and City staff wish to recognize long-term employees for their years of service at a Council Meeting. The Mayor acknowledged the following employees:
 - Scott Stewart, Street Supervisor, Public Works, 20 years
 - Tony Bova, Production Manager, CoMMA Performing Arts Center, 20 years
 - Jesse Peeler, Senior Maintenance Worker, Public Works, 25 years

VII. Public Advocacy Issues and Strategies

- a. Foothills Conservancy of North Carolina – Andrew Kota, Director was unable to attend the meeting. Grayson Barnett, Brittany Watkins and Michael Lowther (CEO/Owner of Overmountain Cycles) appeared before the Council

to give an update and to ask for the City's continued financial support of the mountain biking trail. Barnett spoke first. He stated that the continued support of the City is important because the Foothills Conservancy believes it fits nicely into the city's economic growth opportunities outlined in the Mission 2030 Comprehensive Development Plan.

Barnett further stated that since October 2021, they have constructed over two miles of the trail. Support and donations have recently surged. The trail will align nicely with the existing Greenway in Morganton. Many sections will be available for casual riders and to more advanced riders. This will help make Morganton a top destination for bikers.

Cost estimate for the completion of the trail is \$213,000, but may slightly increase due to previously unexpected issues with a section of the trail. This will be corrected in order to increase the long-term sustainability of the trail.

An investment from the City Council matching the \$100,000 grant awarded by the NC Recreational Trails Program would allow the trail to be completed in a timely manner and in a way that reduces maintenance costs in the future. The goal is to continue to offer high-quality, outdoor recreational activities to both residents and visitors of Morganton.

Michael Lowther spoke regarding a national interscholastic cycling association. Burke County has their own team, Burke Bearcats. There are 5 races in North Carolina throughout the year. Can expect more than 800 participants in each race. Morganton has the opportunity to sponsor races. The closest competition now is in Greensboro. Morganton is well positioned for future races in Western North Carolina.

Council members asked several questions and made comments.

- b. Recognition: The Mayor stated that the Fairfield Inn & Suites Morganton Historic Downtown received the 2021 Silver Circle Award from Marriott International at their 2022 virtual awards ceremony on June 6th.
- c. Recognition: The Mayor stated the Electri-Cities Public Power Award of Excellence for *Continuous Improvement* and *Grid Modernization* was awarded to the City of Morganton on March 28, 2022. He recognized Mayor Pro Tem Cato. She presented the award to Brooks Kirby, Director of Electric Services. She stated that she was honored to present the award and congratulated. Kirby stated that it was a "team effort" and that he is proud of the Electric Services Department.

The City Manager took this opportunity to thank the Electric Department for weekend assistance in restoring power in Drexel. Drexel was hit hard by storms and Morganton provided two crews in the restoration effort.

- d. Announcement: The Mayor stated that the City of Morganton received a grant in the amount of \$20,000 for two electric vehicle charging stations to be installed at Catawba Meadows Park and Catawba River Soccer Complex.
- e. Announcement: The Mayor stated that the Government Finance Officers Association of the United States and Canada has awarded the Certificate for Excellence in Financial Reporting to the City of Morganton for its annual comprehensive financial report for the fiscal year ending June 30, 2021. He congratulated Jessie Parris, Director of Finance, and her team for their work.
- f. The Mayor announced upcoming Downtown/City Hall; CoMMA Performing Arts Center and Parks and Recreation events including:
 - Downtown/City Hall

Farmers' Markets Continue
Saturdays from 8:00 a.m. – Noon at 300 Beach Street
Wednesdays from 11:00 a.m. – 2:00 p.m. mini-market at 111 North Green Street

Sunday POPS Concerts Continue on Fourth Sundays 3p-5p
August 28th at Historic Burke County Courthouse Square

Miss Morganton Festival Pageant – CoMMA Performing Arts Center
– August 27th, 7 to 10 pm

Art in the Hall: Raymond B. Goodfellow (9/27/49-11/22/2006) – An accomplished abstract artist whose bold, colorful creations reflect his love of life, fantastic imagination and appreciation of nature, creatures and the world around him.

American Red Cross Blood Drive: 9a-1:30p August 25, 2022 in the Council Chambers at City Hall

Historic Morganton Festival – Sept. 9-10 – SAVE THE DATES!

- CoMMA Performing Arts Center

CoMMA Season/Individual Tickets Available to Public beginning August 1st

State of Origins Brewery Festival – Burke Historic Courthouse Square – Saturday, August 6th, 5 to 9 pm

Master Plan Public Input Sessions – Wednesday, August 17th, 4:00 pm at CoMMA Performing Arts Center and Thursday, August 18th, 5:30 pm at Craft'd

- Parks and Recreation

Drop-In Community Meeting to receive input on the proposed Hunting Creek Greenway Alignment hosted by NCSSM at Goodwin Hall, Thursday, August 4, 2022, 5:30 to 7 pm

Collett Street Swimming Pool will begin abbreviated hours during the month of August: Open during the week on Tuesday and Thursday 1 to 9 pm and on Saturday, 10 am to 5 pm and will close for the season on Sunday, August 28th

Splash Pads at Martha's Park and MLK Park close after Labor Day, Monday, September 5th

VIII. Consideration of Changing City Council Meeting Date for September 2022

The Mayor stated that City Hall will be closed Monday, September 5, in observance of the Labor Day Holiday

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and unanimously carried, the Council approved changing the City Council Meeting date from Monday, September 5, 2022 to Monday, September 12, 2022 at 6 p.m..

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

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

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

- A. Approved Regular Meeting minutes for meeting held on June 6 and Special Called Budget Meeting on June 20; as submitted.
- B. Approved the proposal to re-name Pitts Avenue to be a continuation of Morgan Drive.
- C. Awarded tree trimming contract (2022-28) to Foothills Tree Maintenance, LLC in the amount of \$240,000 for 1,920 hours at \$125.00 per hour.
- D. Approved award of contract to Max Prestwood Construction, LLC of Lenoir, NC, in the amount of \$130,000 to complete the Garrison Road Waterline Replacement Project.
- E. Approved budget amendment (Ord. 22-30) in the amount of \$210,000 for Project Highlander/Vanguard.
- F. Approved a contract, in the form of a Letter of Engagement/Memorandum of Understanding, with Sanford Holshouser Economic Development Consulting, LLC in the amount of \$3,000 a quarter for one year to begin August 2022 for assistance in locating a shared work space for technology-related businesses.
- G. Awarded contracts to purchase a fire truck from Pierce Enforcer in the amount of \$820,000 and a knuckle boom loader from Joe Johnson Equipment in the amount of \$176,561.

Approved contract with Truist to finance purchase of a fire truck from Pierce Enforcer in the amount of \$820,000 and a knuckle boom loader from Joe Johnson Equipment in the amount of \$176,561. (Res 22-21 for fire truck and Res 22-22 for knuckle boom).
- H. Approved a 10-year Capital Improvement Plan for Water Resources to enhance our grant application to DEQ/DWI.
- I. Awarded the contract to purchase a front loader from Carolina CAT in the amount of \$300,285.44 through the Sourcewell Co-Op contract - 03219-CAT.

XI. Items Removed from Consent Agenda – There were no items removed.

XII. New Business

A. Other Business

1. Consideration of the Adoption of Policies Related to Use and Expenditure of ARPA Funds

City Attorney Vinay stated that the City of Morganton has received a total of \$4,835,619 in funds directly from the Federal government's American Rescue Plan Act (ARPA). Before the City commits to spending any of that money, U. S. Treasury regulations require that the City adopt certain policies applicable to the use, administration, expenditure and accounting for such funds. These seven policies cover a variety of aspects, but all are expressly limited to funds from ARPA (or closely similar Federal programs). However, these policies do not significantly diverge from current and longstanding policies of the City of Morganton regarding non-discrimination, records retention, and conflicts of interest. City Attorney Vinay has drafted these policies based on sample policies developed by the UNC School of Government.

The City Manager, City Attorney, the Finance Director and the ARPA and Special Programs Director all request that Council adopt these policies so that Morganton may appropriate these funds to eligible projects that invest in Morganton's future.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, the Council approved resolutions adopting these seven policies required by ARPA rules:

- a. Non-discrimination policy (Res 22-26)
- b. Records retention policy (Res 22-27)
- c. Conflicts of interest policy (Res 22-28)
- d. Eligible use policy (Res 22-29)
- e. Cost principles policy (Res 22-30)
- f. Property management policy (Res 22-31)
- g. Program income policy (Res 22-32)

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

The City Manager stated that City staff has been working for the past few years to identify funding for water and sewer infrastructure. A large project is the Water Treatment Plant Coagulation and Sedimentation Basins rebuild which has been identified as necessary and is designed. This project is ready to bid pending identification of a funding source. The City staff engaged W.K. Dickson & Co., Inc. engineers regarding funding opportunities for this project in the Spring 2022 cycle of ARPA grants. The grant was not awarded, but W.K. Dickson believes that with an extension of the CIP for an extra five-year period that the grant would receive enough points to receive funding in the Fall 2022 round. This ARPA grant funding is being awarded by the Division of Water Infrastructure (NCDEQ-DWI). 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 this project not-to-exceed amount of \$1,500 is the fee for these services. The complete applications will be submitted by the due date of September 30, 2022.

In order to begin this process, the City Council must take two steps:

- a. Approval of contract with W.K. Dickson & Co., Inc. for up to \$1,500 to prepare the application for submittal to DWI by September 30, 2022.
- b. Approval of a resolution authorizing the application to NCDEQ-DWI, Fall 2022 round, for the construction of a drinking water project to upgrade and rebuild the water treatment plant coagulation and sedimentation basins.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, Council approved a contract (2022-26) with W.K. Dickson & Co., Inc. for up to \$1,500 to prepare the applications for submittal to DWI by September 30, 2022.

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and carried unanimously, Council approved a resolution (Res 22-

25) authorizing the application to NCDEQ-DWI, Fall 2022 round, for the construction of a drinking water project to upgrade and rebuild the water treatment plant coagulation and sedimentation basins.

3. Consideration of Items Pertaining to NPDES Stormwater Permit and Recent Audit

Michael Chapman, Director of Public Works, advised that the City of Morganton received the results of the first stormwater audit. DEQ visited in July to finalize the audit and as expected, the City received a Notice of Violation (NOV) with required corrective actions. He stated the City has 120 days to put a full corrective action plan together. Several steps are required to complete this very complex process.

At the February workshop, we discussed the pending audit results, the expectation of a NOV (every municipality audited has received one), and the possibility of a stormwater utility/program in the future. Responding to this NOV is the first step. In order to respond properly in the short period of time allowed, we need professional consulting support. City Staff does not possess the bandwidth to craft the required plan and complete the day-to-day workload.

The City staff has met with representatives of Withers-Ravenel and feel they are a good choice for providing the professional services needed to respond to the NOV. This firm has experienced staff and can accommodate our short time frame to respond. Withers-Ravenel is one of the on-call engineering firms on our vetted list.

The City Council must take the following steps to begin the process:

- a. Approval of resolution supporting the City's intention to comply with the requirements of our NPDES Stormwater permit and program.
- b. Consideration of award of contract to Withers-Ravenel in the amount of \$86,750 to support the efforts to adequately respond to the NOV.
- c. Consideration of a budget amendment in the amount of \$66,750 to appropriate adequate funding for the professional services contract with Withers-Ravenel.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and carried unanimously, Council approved a resolution (Res 22-25) supporting the City's intention to comply with the requirements of our NPDES Stormwater permit and program.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and carried unanimously, Council awarded a contract (2022-27) to Withers-Ravenel in the amount of \$86,750 to support the efforts to adequately respond to the NOV.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, Council approved a budget amendment (Ord. 22-29) in the amount of \$66,750 to appropriate adequate funding for the professional services contract with Withers-Ravenel.

Councilmember Cato asked what the fine could be if the City did not comply. City Manager Sandy stated that they could fine the City up to \$25,000 per day.

4. Consideration of Resolution to Appoint Wade Griffin as Review Officer for Planning and Zoning

City Manager stated that by law, only those individuals duly appointed as “review officers” in each county may sign off on plats or maps which are required to be reviewed before recordation in the Register of Deeds. Previously, Jesse James served as Morganton’s official review officer.

Wade Griffin, as our new Senior Planner of Development and Design, is fully qualified to perform these services. It is appropriate that he should be appointed as a review officer. The appointment must be made by the County Commission. Following the City Council’s approval of Wade Griffin, a request will be sent to the Burke County Commissioners.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, Council approved a resolution (Res 22-19) requesting the County Commissioners of Burke County to appoint Wade Griffin as a review officer, pursuant to General Statutes 47-30.2, and remove Jesse James from the list of review officers.

5. Consideration of a Resolution of Intent to Permanently Close and Abandon a Section of Agnes Street and to Call for a Public Hearing on September 12, 2022 at 6 p.m.

City Attorney Vinay advised that Dusty Georges Investment, LLC, (“Georges”) has submitted a petition in proper form asking that the City close and abandon a short segment of Agnes Street. This is an extension of that portion of the street which was previously closed and abandoned by Resolution of the City Council adopted on December 6, 2021. Georges owns the lands on both sides of the segment of street for which closure is now sought. Other than Georges (and associated entities), no one uses or must use this short segment for access.

City staff sees no reason to object to this petition. If City Council wishes to pursue this matter, a Resolution of Intent must be adopted, setting a public hearing for the September 2022 Council meeting, and directing the Clerk to properly advertise and notice the same, all in accordance with N.C.G.S. 160A-299.

Upon motion by Councilmember Cato, seconded by Councilmember Jernigan, and carried unanimously, Council adopted a Resolution of Intent to Permanently Close and Abandon a section of Agnes Street (Res 22-20) to set a public hearing for Monday, September 12, 2022, at 6:00 PM in the City Hall Council Chambers to consider this action, and to direct the City Clerk to appropriately advertise such hearing and post notice of the same in at least two (2) places along Agnes Street.

6. Consideration of Award of Contract for Engineering Services for the Development of Conceptual Design Plans for Restoration of Hunting Creek

Phillip Lookadoo, Director of Development & Design, stated that Wildlands Engineering, Inc. (Wildlands) is pleased to present this scope of work to the City of Morganton, for the development of conceptual design plans for the restoration of Hunting Creek.

Lookadoo further stated that this proposed effort will evaluate restoration potential along Hunting Creek and the feasibility of the proposed primary trail alignment in conjunction with restoration activities. The assessment area will extend from the I-40 culvert crossing downstream to South College Street and will include the main stem of Hunting Creek and any ancillary side tributaries. Solutions to existing infrastructure concerns will be incorporated into stream and floodplain restoration plans, where feasible. Coordinating the stream restoration and greenway designs, and the potential for paired construction of these projects, promises to provide unique design and funding opportunity to have the projects completed concurrently.

As part of this scope of work, Wildlands will coordinate with Destination By Design (DBD) to develop a concept plan that maximizes the restoration potential of Hunting Creek along with the proposed greenway and trail system through the corridor, as developed by DBD. This effort to develop a preliminary concept plan will culminate in a design plan and report suitable for funding applications by the Resource Institute (RI). The plan does not guarantee the receipt of funding but is necessary to quantify restoration activities, identify project design and construction costs and analyze sufficient data to present to funding agencies. The conceptual plan will also be suitable for presentation to project stakeholders for solicitation of feedback with the goal of project synergy moving forward for the Hunting Creek Project.

The timeline for the proposed scope of work is August 2022 through early October 2022. This timeline would allow for the completion of the funding package solicitation October 2022 through December 2022. This timeline is necessary to meet deadlines to pursue funding during the long session of the NC General Assembly next year. Wildlands proposes a total cost of \$30,000 to do the conceptual design work. A budget amendment is also necessary.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, Council approved a contract and issue work authorization to Wildlands Engineering, Inc. for conceptual design regarding the Hunting Creek restoration for an amount of \$30,000 including approval for the Mayor and City Manager to execute all agreements regarding this contract.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and carried unanimously, Council approved a budget amendment in the amount of \$30,000 related to the Wildlands contract.

7. Appointments to Boards and Commissions

a. Human Relations Commission

This is a Mayoral appointment.

Judy Brown has expressed interest in membership on the Human Relations Commission. Her application is attached and staff recommends appointing her to the Commission. She will serve as the Burke United Christian Ministry (BUCM) non-profit representative for the Human Relations Commission.

Charlita M. Lytle has expressed interest in membership on the Human Relations Commission. Her application and Letter of Interest is attached. Staff recommends appointing her to the Commission.

The Mayor appointed Judy Brown and Charlita M. Lytle to the Human Relations Commission for terms to expire May 5, 2025.

b. Recreation Advisory Commission

This is a City Council appointment.

There is a current vacancy on this commission. Ken Gratton has expressed interest in becoming a member of the Recreation Advisory Commission. Mr. Gratton would like to serve in our community.

Upon motion by Councilmember Cato, seconded by Councilmember Jernigan, and carried unanimously, the Council appointed Ken Gratton to the Recreation Advisory Commission for a term to expire on June 30, 2025.

c. ABC Board

The term of ABC Board Member Mark Miller is expiring. Mr. Miller has been an excellent participant on the Alcoholic Beverage Control Board and has expressed interest in continuing to serve as a member of this board.

This is a Council appointment and the term for this position will expire on August 5, 2025.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and carried unanimously, the Council reappointed Mark Miller to the Alcoholic Beverage Control Board for a term to expire on August 5, 2025.

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

Consideration of Award of Contract to Withers-Ravenel to Submit an Application for Fall 2022 Funding for Stormwater Planning

(This item was presented and acted on after item XII.A3 due to both items concerning stormwater)

The City Manager stated that City staff has been working with Withers-Ravenel to prepare for a study of the Morganton Stormwater System. The City staff recently identified a grant program through the Division of Water Infrastructure (NCDEQ-DWI) to fund planning for these projects. Withers-Ravenel has agreed to write this grant for the City. It is believed that the City qualifies to apply for this ARPA grant funding being awarded by the Division of Water Infrastructure (NCDEQ-DWI) in the Fall 2022 application cycle. The funding application will first seek 100% grant funds, with the understanding that the City would fund any amount not covered by the grant.

Withers-Ravenel will provide technical services to assist in applying for 2022 DWI funding for the planning of this project for a not-to-exceed amount of \$5,000 as the fee for these services. The completed application will be submitted by the due date of September 30, 2022. There is adequate funding available in the 2022/2023 budget so no amendment is required. We may qualify for up to \$400,000 for stormwater planning.

In order to begin this process, the City Council must take two steps:

Approve a contract with Withers-Ravenel for up to \$5,000 to prepare the applications for submittal to DWI by September 30, 2022;

Approve resolutions authorizing the application to NCDEQ-DWI Fall 2022 for planning of the Stormwater project.

Upon motion by Councilmember McSwain, seconded by Councilmember Hawkins, and carried unanimously, Council approved a contract with Withers-Ravenel for up to \$5,000 to prepare the applications for submittal to DWI by September 30, 2022, and to allow the Mayor and/or City Manager to execute such contract.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and carried unanimously, Council approved a resolution (Res 22-23, 22-24)

authorizing the application to NCDEQ-DWI, Fall 2022 round, for planning of the Stormwater project.

XIV. Reports – No reports given.

XV. Adjournment – The Mayor adjourned the meeting at 7:08 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

