



MINUTES  
REGULAR MEETING  
CITY COUNCIL

March 4, 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 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. No speakers or other comments via email, U.S. mail or hand-delivered letters were received.
- III. Pledge of Allegiance to the Flag – The Pledge of Allegiance was led by Councilmember Hawkins.
- IV. Invocation: Rev. Jasper Hemphill, Morganton Public Safety Chaplain, gave the invocation.
- V. Introduction of Council – Mayor Thompson introduced Councilmembers and staff.
- VI. Service Pins
  - A. Mayor Thompson recognized Tammy Kirkpatrick, Finance Department, Accounting Assistant, for 20 years of service. She was not able to attend the Council meeting and will be presented her pin at a later time.
  - B. Mayor Thompson recognized David Langley, Public Works Department, Warehouse Manager, for his 25 years of service. He was not able to attend the Council meeting and will be presented his pin at a later time.
- VII. Public Advocacy Issues and Strategies
  - A. CoMPAS Update: Greg Branch, Director, CoMPAS Cable – He stated negotiations with television programmers occurs from time to time. This past December/January was that period for our local channels. The expectation was that the increase in cost would be considerable. We are looking at a 25% increase on those local channels. He advised that we are looking at some considerable increases as the budget process proceeds.  
  
He stated that we currently have over 4,500 internet subscribers and over 900 phone subscribers. There are 128 new 1-Gig subscribers. He shared that CoMPAS is currently offering a promotion of a \$10 discount for this service until the end of March. Those who get this promotion will keep this pricing.

- B. Morganton Arts Commission Update: Sharon Jablonski, Director of Cultural and Creative Development – She advised that the Council appointed the Morganton Arts Commission in 2021. She is very proud of what they have accomplished. She announced “April Showers Bring May Flowers” and “Music on the Porch Day”.

She continued by announcing the winners of the “Sculpture on the Town” winners for 2024 listed below. The sculptures will be placed in April with locations to be decided. Once placed, they will be displayed until February 2025.

1. The Neutron Star – Hanna Jubran, Grimesland, NC
2. Basic #64 – Mathias Neumann, Brooklyn, NY
3. Folie a Deux – A sHared Madness – Josh and Angelica Cote, Bakersville, NC

- C. Mayor Thompson read the proclamation proclaiming Burke County Chamber of Commerce - 2024 Litter Sweep Week, March 20 – 27, 2024. Councilmember Jernigan presented the proclamation to President & Tonia Stephenson, President and CEO of the Burke County Chamber of Commerce.

- D. Mayor Thompson read the proclamation proclaiming 2024 Vietnam War Veteran’s Day on March 29, 2024. Mayor Thompson will present the proclamation at the Vietnam Veterans Day Commemoration - 50th Anniversary on March 29, 2024 to Janie Elms Matthews, Vietnam Veterans Day Committee Co-Chair- Quaker Meadows Chapter, NSDAR.

- E. Mayor Thompson read statements from the Human Relations Commission recognizing the following:

1. Women’s History Month – March 2024.
2. Irish-American Month – March 2024.

- F. Mayor Thompson announced the following upcoming events

- **Parks & Recreation**

**Annual Easter Egg Hunt:** Saturday, March 23, 2024, Games start at 10:00 a.m., Easter Egg Hunt will begin at 11:00 a.m., Catawba River Soccer Complex. Co-Sponsored by Morganton Parks & Recreation and Summit Community Church.

**Baseball Opening Day** – Monday, April 8, 2024 at 6:00 p.m., Catawba Meadows.

- **Downtown/City Hall**

**Art in the Hall:** February/March 2024 – Watercolor and Pencil by 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, March 9, 2024, 9 a.m. to 1 p.m. at 111 North Green Street.

**ACC Chili Cook-Off:** Friday, March 15, 2024, 11 a.m. to 1:30 p.m. at the Morganton Community House. Tickets are \$10.00 each.



**Please note that this event is on Friday rather than Thursday as in previous years of this event.**

- **CoMMA Performing Arts Center**

Tuesday, March 12, 2024 at 7:30 p.m.

***The Peking Acrobats***

VIII. North Carolina Municipal Power Agency Number 1 Update - City Manager Sandy advised that the first meeting of the rate committee is tomorrow, March 5, 2024. These meetings will lead to determining what the City's wholesale power cost will be for the budget season.

IX. Consent Agenda – City Manager Sandy advised that 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 and considered under Item XII.

City Manager Sandy presented the Consent Agenda. Mayor Thompson asked if any items should be removed. No request was made.

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 February 5, 2024.

Approved minutes as submitted.

B. Consideration of Participation in the 2025 Urban Archery Season

Approved an Urban Archery Season for 2025 (January 11, 2025 to February 13, 2025) in accordance with the regulations established by the North Carolina Wildlife Resources Commission and to authorize the City of Morganton to submit a Letter of Intent to participate in the 2025 season.

C. Consideration of Approval of a Budget Amendment to Recognize Proceeds from the Sale of Property and the Related Expense of the Contract to Sale

Approved a budget amendment (Ordinance 24-10) in the amount of \$24,968.80 to recognize proceeds from the sale of 0.06 acre of property located at 210 West Meeting Street and the related expense.

D. Consideration of Approval of a Budget Amendment to Recognize Receipt of Insurance Reimbursement for the General Fund

Approved a budget amendment (Ordinance 24-16) in the amount of \$3,557.12 to recognize receipt of insurance reimbursement for the general fund for damage to Recreation vehicles.

E. Consideration of Approval of a Budget Amendment to Recognize Receipt of Insurance Reimbursement for the Wastewater Fund

Approved a budget amendment (Ordinance 24-15) in the amount of \$1,897.55 to recognize receipt of insurance reimbursement for the Wastewater fund for damage to Wastewater Treatment Plant truck.

F. Consideration of Approval of a Budget Amendment to Recognize Receipt of Insurance Reimbursement for the Electric Fund

Approved a budget amendment (Ordinance 24-14) in the amount of \$6,721.07 to recognize receipt of insurance reimbursement for the Electric fund for theft at a substation.

G. Consideration of Approval of a Budget Amendment to Recognize Receipt of an ElectriCities Downtown Revitalization Grant

Approved a budget amendment (Ordinance 24-13) in the amount of \$10,000 to recognize receipt of an ElectriCities Downtown Revitalization Grant.

H. Consideration of Approval of the 2024 Downtown Calendar of Events and Consideration of an Ordinance Scheduling Temporary Closures of Certain State Highways for City Sponsored Special Events

Approved the 2024 Downtown Calendar of Events and Approved Ordinance (24-09) Scheduling Temporary Street Closures.

I. Consideration of Approval of Contract for Audit Services

Approved a contract (2024-17) for audit services to Thompson, Price, Scott, Adams & Co., P.A. for the fiscal year 2024/2025 audit at a cost of \$40,500 and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.

X. Items Removed from Consent Agenda – None were removed.

XI. New Business

A. Public Hearing

1. Public Hearing and Consideration of a Request to Permanently Close and Abandon an Unopened Right-of-Way Portion of Romarco Road

Mayor Thompson opened the Public Hearing at 6:24 p.m.

Mayor Thompson recognized City Attorney Vinay. He stated that the City Council has been given the authority to consider requests for permanent right-of-way closure under NCGS 160A-299.

After consideration, the City Council at its February 5, 2024 regular meeting adopted a Resolution of Intent, Resolution 24-06, to close this former street, subject to reservation of easements for all existing utilities within the right-of-way for maintenance and replacement, and called for a public hearing as required by law to be held at the March 4, 2024 meeting. Notice of such hearing was duly posted on subject property, and was duly published for four successive weeks in The Paper, a newspaper of general circulation in Burke County.

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. MS & MF Development owns approximately 6 acres of land on the east side of Romarco Road in the City of Morganton, at its intersection with Jamestown Road, described in deed recorded in Book 2665, page 914 in the Burke County Registry, which is also identified as Burke County Tax PIN 1783819902 (“the MS & MF Property”).

Many years ago, when the NC DOT widened and improved Jamestown Road, the portion of Romarco Road nearest Jamestown Road was re-aligned and relocated to the west. The new course of that street has been operated and maintained by the City.



The old or former course of Romarco Road has long since been closed and abandoned in practice, and the land within the old street course has been occupied and used by the current and former owners of the MS & MF Property, but no formal action has ever been taken by the City under its statutory authority to close and abandon the public right-of-way.

The old course of Romarco Road has not been used as a street or public way of any kind for many years, and the City has no interest or desire in keeping a right-of-way there, as the relocated Romarco Road is fully adequate for all uses in that area.

No property owner would suffer any loss or reduction in access from closing of this portion of the old Romarco Road. If the proposed Ordinance closing and abandoning this right-of-way is adopted, title to the real property within such shall pass to the owners on either side of the old road. In this case, MS & MF Development owns all the land on either side.

Mayor Thompson asked if anyone would like to speak. No one approached to speak. He closed the public hearing at 6:26 p.m.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, the Council adopted an Ordinance and Order (Ordinance 24-17) permanently closing a portion of the former course of Romarco Road, and abandoning the right-of-way of such road, reserving however, any public utilities rights-of-way within such abandoned segment; and directing City staff to record the Ordinance and Order as required by statute.

2. Public Hearing and Consideration of Text and Map Amendment to Introduce an Active Frontages Overlay in the Downtown Morganton National Historic District

Mayor Thompson opened the Public Hearing at 6:28 p.m.

Wendy Smith, Director of Development & Design, stated that this hearing reviews a proposal to establish an Active Frontages Overlay zoning district within the area of the Downtown Morganton Historic District, on ground floor street frontages only.

The amendment request was submitted by Sharon Jablonski, Director of the City of Morganton's Department of Cultural and Creative Development to implement a recommendation of the City's 2018 Downtown Vision Plan to create a ground floor street frontage active use overlay district.

The amendment request drew from portions of the 2018 Downtown Vision Plan that discuss the need to focus on creating active "frontages that draw people in and out at a variety of times during the day and week".

While the Downtown Vision Plan discusses active frontages, noting that such uses are "typically associated with food & beverage, entertainment and retail uses", the requested amendment at this time focuses only on limiting residential uses on the ground floor street frontage.

The recommendation to limit residential uses on the ground floor street frontage is in keeping with sound planning theory that a driving purpose of a town's main downtown streets is to cater to the public rather than have restricted spaces available to only a few residents. The intent of such an overlay is to encourage the general public to continue to walk down the street to more and more uses that the public can interact with and utilize on a spontaneous basis.



While the original amendment request and the Downtown Vision Plan both mention various areas to which active frontages should be encouraged, it is currently recommended that the proposed Overlay District be developed to match the current Downtown Historic District boundary, in order to avoid an additional layer of divergent boundaries within the downtown.

Introduction of the Active Frontages Overlay District will require text and associated mapping amendments to the Zoning Ordinance.

The proposed changes are to:

- Section 3.2 Overlay Districts,
- Section 3.3 Permitted Uses Table,
- Section 3.4.8 Additional Conditions for Residential Uses, and
- Appendix A. Definitions for Single-Family Dwellings, Two-Family Dwellings, Multi-Family Dwellings Type 1 and Multi-Family Dwellings Type 2.

The proposal was presented to the Planning and Zoning Commission on February 11, 2024. After discussion, a motion was made to adopt, with the addition of one line to the intent statement to reference the full table of permitted uses. This motion passed with a vote of 8 for, 0 against and one abstention.

Mayor Thompson asked if anyone would like to speak. Sharon Jablonski, Director of Cultural & Creative Development, came forward to speak. She stated this text and map amendment came directly from the 2018 Masterplan for Downtown. This should have been done in 2019. It is “Main Street 101” is that you do not put residential on the first floor facing the street. She stated that the goal as a Main Street program is to put active retail spaces in the Core District.

No one else approached to speak. Mayor Thompson closed the public hearing at 6:32 p.m.

Upon motion by Councilmember Jernigan, seconded by Councilmember McSwain, and carried unanimously, the Council adopted an Ordinance (24-18) amending the Zoning Ordinance by adding a new Sub-section 3.2.10 creating an Active Frontages Overlay within the Downtown Historic District, and by creating or amending the definition of certain terms accordingly, and authorizing Mayor and City Manager to sign any necessary documents.

## B. Other Business

### 1. Consideration of Approval of Budget Amendment for the Purchase of Transformers

City Manager Sandy advised that the Council recently held a budget workshop. During the workshop the Council looked at capital requests and took a field trip to see capital projects that are completed and some that are about to get underway. During the discussion regarding Electric, it was emphasized that transformers are difficult to get and keep in stock were at the top of the Department’s list. She stated that the budget amendment in the amount of \$604,500 is to appropriate retained earnings for transformer purchases to restock inventory due to increased lead times of 12 to 14 months for delivery.

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and carried unanimously, the Council approved a budget amendment (Ordinance 24-12) in the amount of \$604,500 to appropriate retained earnings to purchase transformers to restock inventory.



Councilmember McSwain asked how many transformers could possibly be purchased with the \$604,500. City Manager Sandy advised 11 to 15.

2. Consideration of Approval of a Contract for Construction of an Addition to the Beanstalk Journey Adventure Course and a Related Budget Amendment

Bryan Fish, Director of Parks & Recreation, stated that Catawba Meadows Park is the busiest park in the City of Morganton. The park has hundreds of visitors a day even in the off-season. Individuals and families come to visit the Beanstalk playground, get on the greenway for a walk/run or check out the ballfields for baseball/softball games. For the last 13 years, Beanstalk Journey has managed the zip lines that run through the park.

What started out as a popular amenity in the park has seen attendance drop to just 2,500 people in 2023. The reason for this drop in attendance is other zip line parks being built and utilized in surrounding areas and recruiting/maintaining staff to be able to operate the zip lines. As it stands, it takes at least two certified staff to run 8-10 people through the experience. Adding an amenity to the park that would attract more people visiting the park and increase usage of the beanstalk journey's zip line setup has produced the idea of an Aerial Adventure Park.

The park could have 40 participants on the structure at once and only need one staff person to supervise. There are safety clips costing about \$400 each that would need to be purchased. The total cost to build would be approximately \$80,000. If approved, the project could be complete by early May, which would be prime season for park usage and baseball/softball tournaments. There will be approximately 30 total elements to the aerial park, which would take about 1.5 hours for an individual to complete the course. It would be suitable for four years old and up (a minimum height of 48 inches). Staff feel it would be a welcome addition to the park and provide more for people to do when they visit. For example, when tournaments are scheduled that bring in thousands of people on a weekend, visitors are not able to enjoy the zip lines due to the current course taking more than 2 hours to complete. The proposed addition to the Beanstalk Journey Adventure Course would give visitors something to do in between games.

Initial discussions about cost to use the adventure park range between \$19 and \$29 per experience. Beanstalk Journey is exploring possible seasonal specials or discounts for local residents. Initial estimates to build the park are up to \$80,000. The City of Morganton would contribute paying 50% or \$40,000 and the Recreation Foundation would match that dollar for dollar.

City Manager Sandy stated that Staff recommend that the up to \$40,000 from the City of Morganton come out of ARPA funding. The City still has some ARPA funds to use, which the City is required to obligate by the end of this calendar year.

A budget amendment would be required to transfer \$40,000 funds from the ARPA fund for the City's contribution and to accept the Morganton Recreation Foundation's \$40,000 to contract and build the new addition to the Beanstalk Journey Adventure Course.

Upon motion by Councilmember Jernigan, seconded by Councilmember Cato, and carried unanimously, the Council approved a contract with Beanstalk Journey Adventure Course to construct an addition to the Beanstalk Journey Adventure Course at a cost of up to \$80,000 with the City of Morganton funding up to \$40,000 and the Morganton Recreation Foundation funding up to \$40,000 and to authorize the Mayor and/or City Manager to execute such contract and any other necessary documents.



Upon motion by Councilmember Hawkins, seconded by Councilmember Jernigan, and carried unanimously, the Council approved a budget amendment (Ordinance 24-11) to transfer funds from the ARPA fund (\$40,000) and the Morganton Recreation Foundation (\$40,000) for the addition to the Beanstalk Journey Adventure Course.

3. Appointments to Boards and Commissions

a. Cultural Arts Commission

This is a City Council appointment.

City Manager Sandy stated that there is one term that expired in June 2022: Deborah Jones as an ex-officio member representing the Burke Arts Council.

There are 4 terms that expired in June 2023: Leanne Brittain, Darren Lathan, Courtney Long and Nancy VanNoppen.

Deborah Jones, Leanne Brittain, Darren Lathan, Courtney Long and Nancy VanNoppen have been consistent members of the Cultural Arts Commission and are willing to continue serving on this Commission. It is recommended by staff that Deborah Jones be reappointed with a term to expire on June 1, 2025 and Leanne Brittain, Darren Lathan, Courtney Long and Nancy VanNoppen be reappointed with terms to expire on June 1, 2026.

Applications have been received from Jay Brandt and from Priti Happer requesting to serve on the Cultural Arts Commission to fill vacancies.

It is recommended by staff that Jay Brandt and Priti Happer be appointed to terms to expire on June 1, 2027.

Upon motion by Councilmember Cato, seconded by Councilmember Hawkins, and carried unanimously, the Council reappointed Leanne Brittain, Darren Lathan, Courtney Long and Nancy VanNoppen to serve on the Cultural Arts Commission for 3-year terms to expire on June 1, 2026, reappointed Deborah Jones as an ex-officio member representing the Burke Arts Council for a 3-year term to expire on June 1, 2025, and appointed Jay Brandt and Priti Happer for 3-year terms to expire on June 1, 2027.

4. 30-Day Notice Boards and Commissions – None to report.

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

Mayor Thompson recognized City Manager Sandy. She stated that for at least ten years the City has been working on two large water and wastewater projects. The great news is that the City received notice from the State today that the grant money that was included in the appropriation from the last session of the General Assembly to support these projects is being released. The City will now be able to get these projects out to bid and move forward with them. In order to do that the Council has to authorize the acceptance of the grants in the form of a resolution.

A. Consideration of a Resolution Authorizing the Acceptance of an Appropriations Act Directed Project Grant from the North Carolina Division of Water Infrastructure (NCDWI) for Water Treatment Plant Sedimentation Basin Improvement Project

City Manager Sandy stated that this project will provide important rehabilitation and improvements to the Catawba River Water Plant including:



- Updating the existing mud valves and operators for draining sludge in sediment basins 1-6 that are currently in poor condition with a high likelihood of failure
- The repair of concrete in the existing flocculation and sedimentation basins 1-6 due to its poor condition
- The replacement of wood baffles located in the 6 flocculation basins that are in poor shape and deteriorating rapidly
- Addressing layout and hydraulic concerns of existing flocculation influent flume between the flash mix and flocculation basins 1-6 because it is allowing for solid deposits in the flume. Currently there is no way to clean the flume nor isolate the sections from the rest of the plant.
- Upgrade the electric transformers to the water treatment plant to add redundancy.

The City estimates that the Water Treatment Plant Sedimentation Basin Improvement Project will cost \$6,601,400. This grant is a direct appropriation of \$6,601,400 from North Carolina Division of Water Infrastructure.

Upon motion by Councilmember McSwain, seconded by Councilmember Jernigan, and carried unanimously, the Council authorized the acceptance of a grant for \$6,601,400 from North Carolina Division of Water Infrastructure (NCDWI) for the Water Treatment Plant Sedimentation Basin Improvement Project (Resolution 24-07)

- B. Consideration of a Resolution Authorizing the Acceptance of an Appropriations Act Directed Project Grant from the North Carolina Division of Water Infrastructure (NCDWI) for Silver Creek Pump Station

City Manager Sandy advised Council that the City of Morganton intends to rehabilitate and expand the Silver Creek Pump Station. The improvements to the pump station would take advantage of new technology, which would send a more treatable waste stream to the wastewater plant. During a flood event, the current condition of the pump station presents the possibility that the system could fail and contribute to a public health threat. The City estimates that the Silver Creek Pump Station Improvement Project will cost \$6,772,200. This grant is a direct appropriation of \$5,053,953 from North Carolina Division of Water Infrastructure. The remaining balance is being funded from several funding sources.

Upon motion by Councilmember Hawkins, seconded by Councilmember Cato, and carried unanimously, the Council authorized the acceptance of a grant for \$5,053,953 from the North Carolina Division of Water Infrastructure (NCDWI) for the Silver Creek Pump Station (Resolution 24-08).

XIII. Reports – No reports were given.

XIV. Adjournment – Mayor Thompson adjourned the meeting at 6:47 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

