

MINUTES
REGULAR MEETING
CITY COUNCIL

April 4, 2016

Ronnie Thompson, Mayor

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

John H. Cantrell)
Forrest A. Fleming) Councilmen
Sidney Simmons)
Vacant Seat)

Becky Brinkley, Interpreter

I. The meeting was called to order in the Council Chamber at City Hall at 6:00 p.m. by Mayor Thompson.

II. Public Comment – The Mayor stated the guidelines for public comment and speakers were called in order of sign-up.

There were no speakers signed up so the Mayor recessed the meeting at 6:02 p.m.

III. Business of the Council – The Mayor reconvened the meeting at 6:15 p.m.

IV. Pledge of Allegiance – Councilman Fleming led the recitation of the Pledge of Allegiance to the Flag.

V. Invocation – The invocation was given by the Rev. Lauren Carlson, Calvary Lutheran Church.

VI. Introduction of Council – The Mayor introduced the Council and staff.

VII. Retiree Resolution – The Mayor read a resolution recognizing retiring employee Gary Leonhardt. Gary retired from the City of Morganton on April 1, 2016 with over 48 years' service. Gary retired as Director of the Recreation Department.

Upon motion by Councilman Cantrell, seconded by Councilman Fleming, and carried unanimously, the Council approved Resolution #16-09 recognizing retiring employee Gary Leonhardt.

Councilman Fleming presented the resolution to Gary, stating it was his honor and pleasure to be able to present it. Councilman Fleming recounted some highlights of Gary's service to the City including his role as the first-time employer of many high-school and college students, the greenway system, Red, White & Bluegrass Festival, JAM (afterschool music lessons), senior trips and more. Councilman Fleming stated that

Gary is known as the “no problem” man; many in the community call on Gary for a variety of needs and his response is always, “no problem”. Councilman Fleming told Gary he “ran the race and ran it well”. He wished Gary and his wife Susie many years of happiness.

Gary fondly recalled his time with the City of Morganton, thanking Council and staff for their support over the years. He stated the City is a wonderful place to work and he would love to do it all over again. He gave special thanks to Butch McSwain, Jesse Williamson, Mary and Bill Duckworth and Jennifer Nicholson. Gary stated that he has tried to be professional in his career and always tried to be positive when talking about the City.

There was a heartfelt standing ovation after Gary spoke.

VIII. Public Advocacy Issues and Strategies

a. The Mayor announced the following upcoming events at CoMMA: *The Show 4* on April 5 and *The Grass Roots & The Buckingham*s on April 14. He also announced that the Farmers’ Market was scheduled to begin Saturday, April 30 and the Human Relations Commission Citizens of the Year Banquet would be held on April 28 at the Morganton Community House.

b. Resolution: Honoring Freedom Girls Basketball Championship Team – The Mayor read Resolution #16-10 honoring the Freedom Lady Patriots basketball team for an undefeated season and for winning the State 3A Championship. The players and coaches of the team were present in the Council Chamber.

Coach Amber Reddick stated the amount of community support has been overwhelming and heartwarming. She stated the team was comprised of hard workers, good students, with all five seniors planning on attending college. Coach Reddick stated her first summer job was at the Recreation Department under Gary’s tutelage.

c. Commendation: Honoring Bill Davis, ABC Board Member – The Mayor read a commendation honoring Bill Davis for his many years of service on the ABC Board. Councilman Cantrell presented the certificate to Bill Davis, reminiscing that he and Davis were classmates for twelve years growing up. Councilman Cantrell reflected on how Davis was an instrumental part of bringing the ABC store to Morganton back in the 1960s, and he served on the ABC Board since its inception more than 50 years ago.

Bill Davis thanked Councilman Cantrell for the kind words. He expressed appreciation to the Council for their support of him over the years while on the ABC Board.

d. Proclamation: Lineman Appreciation Day – The Mayor read a proclamation honoring the City’s electric linemen for their service to the citizens of Morganton and proclaimed April 18 as Lineman Appreciation Day. Councilman Simmons expressed his appreciation as a citizen and as a Councilman for the work they do.

Brooks Kirby thanked the Council for their support. He thanked the linemen, those who get out of their warm beds and get down in the dirt, all to make sure our power stays on.

Many of the electric linemen were present during the meeting to hear the proclamation read and receive the gratitude of those present.

e. GFOA – Certificate of Achievement for Excellence in Financial Reporting – The City Manager announced the City has received a Certificate of Achievement of Excellence in Financial Reporting for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The Manager thanked Karen Duncan, Finance Director, for her hard work and diligence in financial reporting.

f. North Carolina Supreme Court Visit: NC Supreme Court Justice Jimmy Ervin and Joan Malloch, President of the Board of Trustees of the Historic Burke Foundation.

Joan thanked the Council for helping with the recent grant for the McDowell House roof replacement. She then invited the Council to the McDowell House to see this piece of Burke County history. She stated she was here mainly to talk about the Old Courthouse, thanking Council for working with the County for the upkeep of the property, and saying it has been 154 years since the last session of the Court in Morganton.

Justice Ervin spoke about the upcoming NC Supreme Court visit scheduled for May 17-18. The Court sat in Morganton from 1847-1862. Morganton is the only place outside Raleigh where the Court regularly held session. The Court anticipates hearing five cases during their session including one regarding Asheville's water system. He stated there will also be a case regarding charter school funding. Justice Ervin stated he hopes this is more than a one-time event. He expressed deep appreciation for the local support. He stated these are public sessions but seating is restricted due to space limitations. Justice Ervin stated this is a great honor for Court to sit in Morganton and he is very excited about this because his father, grandfather and great-grandfather all argued cases in the Old Courthouse.

g. BDI Update: Alan Wood, President/CEO – Alan stated he has just finished his first year on the job. He gave an overview of his first months and how those months helped to formulate the plan to move forward. He talked a bit about current climate with local businesses. He stated the skill sets going into the future are of paramount importance to employers and workforce issues must be addressed. He stated the need for more young people to continue their education beyond high-school. It is projected 80% of all jobs being created in the next 5-10 years will require some type of advanced education, whether it be certification or learning a technical skill. We all must make education an important part of our community. Wood stated that Western North Carolina is catching people's attention. The passing of the bond referendum was huge and our future is extremely bright.

IX. North Carolina Municipal Power Agency Number 1 Update – The Manager stated the rate committee meetings are taking place now. We should receive budget numbers soon.

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

Upon motion by Councilman Cantrell, seconded by Councilman Simmons, and unanimously carried, the consent agenda was approved and each individual item adopted as stated, these being as follows:

A. Approved minutes for a Special Meeting and a Closed Session held on February 29 and for a regular meeting held on March 7.

B. Approved tax releases in the amount of \$636.52.

C. Approved the Member Cooperative Bid Agreement for Joint Purchasing of Utility Materials, Supplies and Equipment with Electricities of North Carolina, Inc.

D. Approved two budget amendments to appropriate the receipt of funds from a State Grant for the Community House Community Kitchen, and to appropriate the receipt of the transfer from the General Fund into the Capital Project Fund and set up the capital outlay budget. (Ord. #s 16-06 & 16-07)

E. Approved a budget amendment to appropriate funds received from the City's insurance provider and the corresponding expenditure for repairs to the batting cage at Shuey Field (Ord. #16-08)

F. Approved a budget amendment to appropriate the receipt of a \$1,900 contribution and the corresponding expenditure of four park benches at the new playground in Catawba Meadodws Park. (Ord. #16-09)

G. Approved a budget amendment and a capital project ordinance for the Clearwell project at the Water Treatment plant. (Ord. #s 16-11 & 16-11a)

H. Approved Resolution #16-11 for reimbursement from the proceeds of a loan in the amount not to exceed \$1,273,552.00 from the State Revolving Loan Fund for certain expenditures made in connection with the design, engineering and construction of a 1.1 million gallon clearwell at the City's Water Plant.

I. Approved a budget amendment to appropriate funds for removal of storm damaged trees at Catawba Meadows (Ord. #16-05)

J. Approved adoption of the Updated Bylaws of The Burke Partnership For Economic Development, Inc. dba Burke Development (BDI).

K. Awarded an installment purchase financing contract to BB&T (Resolution #16-12) on a 2016 Mack MRU cab chassis with a Heil DuraPack HalfPack 40 cubic yard heavy duty front loading refuse truck, for \$244,268 at an interest rate of 1.97% for a period of five years.

L. Approved entering into a contract with Steppe Construction of Mill Spring, NC in the amount of \$228,766.28 to relocate and install the new 12-inch water line from the Sanford Drive / Kirksey Drive intersection along NC 18 / US 64 Highway.

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

XII. New Business

1. Consideration of an Agreement with Burke Arts Council Regarding Etta Baker Sculpture for CoMMA

The City Manager stated that thanks to a cooperative effort, CoMMA is becoming home to a sculpture memorializing the great Piedmont Blues musician Etta Baker. The City, the Burke Arts Council, Morganton Savings Bank, the local arts and music community, and the Baker family have joined in promoting this memorial to Etta, and locating it on the grounds of CoMMA. The Arts Council will contract with renowned Oregon sculptor Thomas Jay Warren to create a work depicting Etta Baker in a classic guitar-playing pose. This sculpture would then be donated by the Arts Council to the City for display in an appropriate setting on the north side of the auditorium property, near the head of the drive and close to the outdoor theatre. A contractual agreement between the City and the Arts Council will detail all the terms. The estimated cost of the sculpture is \$90,000, of which \$77,000 would be from Morganton Savings Bank (MSB), with the balance raised through private donations. Under a recently extended agreement with the City, MSB rents advertising space on CoMMA's electronic billboard at the corner of S. Sterling Street and S. College Street. MSB has agreed with the City to pay 11 years of rent in advance, to partner with the City and CoMMA to make this project happen. It is anticipated that the sculpture will be completed by late 2016 or early 2017

Upon motion by Councilman Cantrell, seconded by Councilman Fleming, and carried unanimously, the Council approved entering into a contract with the Burke Arts Council for acquisition of an Etta Baker Memorial sculpture to place on the grounds of CoMMA.

2. Consideration of an Agreement with Morganton Savings Bank

This is part of the previous item regarding the Etta Baker Sculpture at CoMMA. The City Attorney stated the proposed agreement in the Council agenda packet has been revised – section 9 Termination. There was a clarification of what happened if the sign was destroyed, etc.; there would be a proration of the rent prepaid for the time after destruction, if within the first 5 years of the term.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council approved entering into an Agreement with the Morganton Savings Bank for Advertising Sponsorship as it pertains to the Etta Baker Memorial sculpture to be placed on the grounds of CoMMA.

3. Consideration of an Ordinance to Effectuate Part 9, Chapter 2 Article E, Section 9-2064(a) of the City Code at 111 Ross Street

The City Attorney stated the property at 111 Ross Street is owned by Timothy L. Norman, of 511 East Union Street, Morganton. This property contains 1 single family unit that has been vacant for a very long time. It has suffered severe damage due to vandalism, neglect, and dilapidation. The home has been left unsecure for many years. Due to the continued neglect and dilapidation there are now structural defects that increase the hazards of fire, accident or other calamities. The unit has been determined to lack ventilation, light, and sanitary facilities, as well as having other conditions which render the buildings unsafe, unsanitary or detrimental to health, safety or morals, or otherwise harmful to the welfare of the residents of the city.

The Development & Design Services Department first began receiving complaints about the condition of this structure in 2014 from neighborhood residents. Upon inspection by Building Inspector Mike Fincher, he determined that the building was in a dilapidated condition. Chief Building Inspector Mike Crotts has also examined the deteriorating conditions and on June 19, 2015 the owner was notified by Certified Mail of Pending Action and notified that a hearing would be held on August 5, 2015 at 10 am in City Hall. Tim Norman attended the meeting as well as Mike Crotts, Chief Building Inspector, Mike Fincher, and Louis Vinay, City Attorney. Mike Crotts informed Mr. Norman of the existing conditions in an effort to determine his intentions to remove the structure or renovate the structure. Mr. Norman indicated at the meeting that he was prepared to renovate the structure. Mike Crotts agreed to allow him 2 weeks to obtain permits and begin renovation; however failure to renovate the structure would not stop necessary actions from being taken by City Council to remove the structure in the future. Renovation permits were issued to Tim Norman on September 21, 2015

Mr. Norman has since not begun work or initiated actions to correct the conditions other than call for a footing inspection immediately before expiration of the building permit. Upon inspection there was no footing prepared. Mike Crotts now requests the City Council adopt an Ordinance and order directing the Building Inspector to immediately effectuate the purposes of Article E. Part 9 of the Charter and Code of Ordinances for the City of Morganton regarding property at 111 Ross Street through demolition of the structure.

The City Council has appropriated \$30,000 in its nuisance abatement budget for 2015-16. It is estimated that this item will use approximately \$6,000 of this amount. Asbestos removal is also necessary.

Mr. Norman was present and was allowed to speak regarding this item. He stated there has been substantial bad weather that has hindered progress on the demolition of the property. He is asking for a bit more time before consideration of this ordinance to explore the feasibility of reconstruction of the property. He would like time to have a structural engineer look at the property and asks for more time to explore other possibilities

The City Attorney stated the ordinance typically stated the property owner is allowed 30 days to take further action before the City would take any action. The Mayor asked what would happen if in 15 days they saw improvement in the property. The Attorney stated the ordinance specifically gives the building inspector jurisdiction to remove the structure without further authority.

Councilman Fleming asked how long the building inspector has worked on this property. The City Manager stated that it has been since August 2015.

Councilman Simmons asked how many properties have we been looking at for over six months. The City Attorney stated there have not been any under order for more than six months.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council adopted Ordinance # 16-12 and order directing the Building Inspector to effectuate the purposes of Article E. Part 9 of the Charter and Code of Ordinances for the City of Morganton regarding property at 111 Ross Street.

4. Consideration of an Ordinance to Effectuate Part 9, Chapter 2 Article E, Section 9-2064(a) of the City Code at 621 East Meeting Street

The City Attorney stated the property at 621 East Meeting Street is owned by Sterling Realty Company, Inc. Based upon investigation, the Building Inspector issued and served upon the Property Owner a complaint letter dated February 20, 2016, stating the results of the investigation and notifying the Property Owner that a hearing would be conducted by the Building Inspector, pursuant to Ordinance, to determine if there was a basis for concluding that the structures located on the Premises were unfit for human habitation, and/or were "abandoned structures" as defined by § 9-2102 of the Code. The Chief Building Inspector conducted a hearing with a representative of the Property Owner in City Hall at 10:00 a.m. on February 29, 2016, pursuant to § 9-2103 of the Code of Ordinances. Subsequent to that hearing the Building Inspector issued an Order dated March 1, 2016, in which the Inspector found that the building/structure located at 621 East Meeting Street is a health and safety hazard due to its unsafe and dangerous condition, such that the Property Owner was ordered to take action to remove or remediate the conditions, and was given thirty (30) days for the Property Owner to either provide appropriate engineering evaluation for repair of the building, or obtain a demolition permit to remove the structure. The Property Owner has since notified the Chief Building Inspector that they did not wish to proceed with either repair or demolition of the structure, but was willing to authorize the City to perform such demolition and

removal. The Owner executed a Release and Agreement with the City authorizing the City to demolish and remove the Premises and charge the full actual cost of removal and demolition to the Property Owner. The Agreement further states that if such amount is not promptly paid, then the City may impose a lien upon the premises for such amount.

The Building Inspector hereby request the City Council to adopt an ordinance ordering that the Building Inspector to proceed with demolition, as provided in Section 9-2106 of the Code of Ordinances.

The City Council has appropriated \$30,000 in its nuisance abatement budget for 2015-16 and an additional \$34,000 in CDBG funds for slum and blight removal. It is estimated that this item will use approximately \$58,000 of this amount.

Upon motion by Councilman Cantrell, seconded by Councilman Simmons, and carried unanimously, the Council adopted Ordinance # 16-13 and order to effectuate the purposes of Article E, Part 9 of the Charter and Code of Ordinances for the City of Morganton regarding property at 621 East Meeting Street.

5. Appointments to Boards and Commissions

a. Alcoholic Beverage Control Board – The City Manager stated the City has received a letter from Steve Gregory, newly appointed Chairman of the ABC Board, informing us of the retirement of Bill Davis as a member and chairman of the ABC Board.

Bill Davis has served 53 years on the ABC Board locally, as well as President of the North Carolina Alcoholic Beverage Control Association. Bill has been instrumental in implementing policy on local and state levels and has served on the state legislative committee for many years.

The Board would like to recommend Mr. Marc Sholar, 112 Pearson Drive to fill the unexpired term of Mr. Davis. That term would expire on August 5, 2018.

Upon motion by Councilman Cantrell, seconded by Councilman Fleming, and carried unanimously, the Council appointed Marc Sholar to the Alcoholic Beverage Control Board to fulfill the unexpired term of Bill Davis, whose term is set to expire on August 5, 2018.

6. 30-Day Notice for Boards and Commissions

a. Human Relations Commission - Due to upcoming expiration of terms of Buddy Armour, School Representative; Jill King, Non-profit representative; Barbara Myers and Karina Li, vacancies will exist on the Human Relations Commission. Karina Li asks to remove her name from consideration because she is currently attending school and working in Charlotte. Appointments for this Commission will appear on the May City Council agenda.

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

a. Consideration of Award of Bid for Fleming Drive Sidewalk Project

The City Manager stated that with the opening of the Morganton Heights Retail Center, the City has seen an increase in pedestrian traffic along West Fleming Drive going to the retail center. The City has \$118,000 remaining in infrastructure funds through its CDBG Program for 2015-16. The Development & Design Department solicited informal bids to construct new sidewalk along the entire length of West Fleming Drive from Burkemont Avenue to the West Union Crossroads. Five bids were submitted for the project. All of the bids received exceeded the amount budgeted. Upon negotiation with the lowest responsive bidder, a smaller project is now being recommended for approval. Little Mountain Builders of Maiden, North Carolina has agreed to reduce the scale of the project at the same unit price. The project will now extend sidewalk from Burkemont Avenue to the signal at Morganton Heights Boulevard (approximately 2000 feet of new sidewalk at 29.69/LF plus H/C Ramps and incidental stone). The remaining CDBG funds will be used for installation of pedestrian signals at the Morganton Heights crosswalk.

Upon motion by Councilman Simmons, seconded by Councilman Cantrell, and carried unanimously, the Council authorized entering into a contract for the installation of sidewalk along West Fleming Drive in the negotiated amount not to exceed \$70,000 with Little Mountain Builders of Maiden, NC.

b. 30-Day Notice for a Public Hearing for the Leonhardt Property on 709 East Meeting Street.

The City Attorney stated this property has had many nuisance reports in the past and continues to be a nuisance. The code enforcement officer issued a notice on March 22, 2016 to have it cleaned up in 10 days; it has not been done nor appears likely to be done. This is an occupied residence, the building is not in bad shape, but clean-up needs to take place. Council is being asked to call for this public hearing because of the estimated cost of clean-up. Council has authority to do this by ordinance, but would need to call a public hearing before entering the order for nuisance clean-up.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council called for a Public Hearing at the May 2 City Council meeting to discuss ordering clean-up at 709 East Meeting Street.

XIV. Reports – Reports were distributed for information.

XV. Adjournment – The meeting was adjourned at 7:25 p.m.

Preparation of Minutes. These minutes were prepared by Mikela D. Russell, Assistant 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

Assistant City Clerk