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 said speakers were to be called in order of sign-up.

   • Ronald Woodby resides at 141 Southview Street. Woodby stated that he owns 50 acres of land at the end of Southview Street. The reason he was before Council was to speak about alleged complaints regarding mini horses he owns and stables on the property. He stated he has had these horses on the land for over 10 years. Recently a complaint was made which resulted in a visit from the animal control officer who made Woodby aware of the City ordinance which allows only 2 animals on the property. The officer has given Woodby 30 days to get rid of the horses. Woodby stated he has more than $15,000 in the animals, has advertised the animals for sale and received only 3 calls thus far. He asked Council to allow him an extension of the 30 days while he continues to search for other property for the animals or the opportunity to sell.

No other speakers were signed up so the Mayor recessed the meeting at 6:07 p.m.

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

IV. Pledge of Allegiance – Prior to the beginning of the meeting the Mayor recognized DAR essay contest honorable mention winners: Sara Mull, Heritage Middle School 7th grade; Piper C. Erskine, Ray Childers Elementary, 5th grade; and Macy Brynn Carswell, Liberty Middle School, 7th grade. At the Mayor’s invitation, these three led the recitation of the Pledge of Allegiance to the Flag.

V. Invocation – The invocation was given by the Rev. Gwen Benjamin, Gaston Chapel A.M.E. Church.

VI. Introduction of Council – The Mayor introduced the Council and staff.
VII. **Retiree Resolutions** – The Mayor read a resolution honoring David M. Wakefield who retired from the City of Morganton on February 1, 2018 with 31 years' and 1 month's service. David retired from the Water Resources Department as Senior Treatment Plant Operator of Wastewater. Wakefield was unable to attend the meeting.

Upon motion by Councilman Simmons, seconded by Councilman Fleming, and carried unanimously, the Council approved Resolution #18-06 honoring retiree David M. Wakefield.

VIII. **Service Pin** - The Personnel Committee and City staff have decided to recognize long-term employees for years of service at a Council meeting. Councilman Fleming presented a 25-year service pin to Sally W. Sandy, City Manager.

The City Manager stated that 25 years is a long time and she never expected to still be living in Morganton. However, Morganton is home; it is home because it’s a great place to be. Sandy thanked the dedicated people she has had the honor of working with over the past 25 years, both staff and elected officials.

IX. **Public Advocacy Issues and Strategies**

a. The Mayor read a proclamation recognizing International Darwin Day. The proclamation was accepted by Isaac Crouch of the Morganton Humanist Alliance. Crouch thanked the Council for consideration of this proclamation.

b. The Mayor reminded citizens of the City Council Workshop to be held on Friday, February 23, 2018 from 8:00 a.m. to 4:00 p.m. at the Morganton Community House.

c. The Mayor announced the following upcoming events at CoMMA: *Bob Eubanks in the Not So Newlywed Game*, February 16 and *The Wizard of Oz*, February 27. He also announced the upcoming Etta Baker Week in the Burke County Public Schools. Laura Blackley will be playing Etta’s music in concert at each elementary school in Burke County during the week. There will be a lesson plan for teachers and Etta booklets for all students.

The Mayor also announced that this week, on Thursday night, Ashley Campbell, daughter of Glen Campbell, will be playing at CoMMA and tickets are still available. This event is sponsored by the Men’s Club of Morganton.

X. **North Carolina Municipal Power Agency Number 1 Update** – The City Manager stated there were no updates.

XI. **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 Councilwoman Cato, seconded by Councilman Fleming, and unanimously carried, the consent agenda was approved and each individual item adopted as stated, these being as follows:

A. Approved minutes for the January 8, 2018 City Council meeting as submitted.

B. Approved a budget amendment and a project budget ordinance in the amount of $25,000 to appropriate the transfer of funds from the Community House to repay the Capital Reserve fund.

C. Approved a budget amendment in the amount of $14,600 to appropriate the receipt of a historic preservation grant from the State of North Carolina for roof repairs at the McDowell House and set up the appropriate expenditure budget for the repairs.

D. Approved an audit contract with Elliott Davis for Year 3 at a cost of $37,600.

XII. Items Removed from Consent Agenda – There was nothing removed from the Consent Agenda.

XIII. New Business

A. Public Hearings

1. Public Hearing for Request for Approval of an Alternative Design Approval for Bonnie Mist Car Wash at 815 North Green Street

The Mayor opened the public hearing at 6:27 p.m.

Phillip Lookadoo, Director of Development and Design, stated the subject property is located at 815 North Green Street and is identified as Burke County Parcel Identification Number 1793691006.

The property, owned by the petitioner KCDC Properties, LLC, is currently zoned High Intensity District (HID) and is a vacant property. The Planning and Zoning Commission, at their special meeting held on January 11, 2018, conducted a public hearing and voted to recommend approval of the alternative design proposal, moving the automatic car wash bays to the opposite side of the building as proposed on original plans and allowing use of open (unglazed) bays facing the streets. The vote at P&Z was five voting in favor and three against.

Points to consider include:

a. Zoning Ordinance, Section 2.2.7 Alternative Design Proposals, states “The City Council may approve alternate design proposals that differ from the requirements of Article 4 of this Ordinance in regards to landscaping, parking, infrastructure or building
design due to unique site circumstances or creative design proposals, provided that the intent to this Ordinance is met.”

b. Section 2.2.7, Step 7 (B), states “The City Council shall conduct a public hearing and include with its decision a written statement regarding the consistency of the request with the Comprehensive Plan and other adopted City plans and policies and the surrounding area.”

c. As part of the overall design of the car wash, the developers are proposing alternative design in the following two areas:

1. Windows and Glazing: Plans submitted did not indicate use of glazing on any building wall as required in Section 4.8.6.8 of the Zoning Ordinance. This section requires a minimum of 30% and a maximum of 55% of the wall area to be of a glazed (glass) surface. The application provides the applicant’s view of how this proposal meets Alternative Design Standards relative to windows and glazing.

2. Orientation of Certain Features: The plans submitted orient the service bays to North Green Street. Section 4.8.6.11 of the Zoning Ordinance, specifically subsection (A), states; “Buildings shall be oriented in a manner that drive-through windows, menu/ordering areas and automobile service bay doors are not directly visible from the primary fronting street when viewed at a point in the street that is directly perpendicular to the center of the primary façade”. The application provides the applicant’s view of how this proposal meets Alternative Design Standards relative to orientation of certain features.

For the staff, Mr. Lookadoo made the following recommendations:

This vacant site is located along a major arterial in a highly visible corridor in the River District. As such it has the opportunity to accomplish the goals of promoting and protecting the aesthetic value of the River District as contemplated in the Mission 2030 plan. To accomplish this role, the alternative design proposal is to construct a building that is compliant with the River District Overlay zoning district but requires special consideration because of the nature of the business being proposed for the site. In most other areas the plans submitted are compliant and comments regarding those that aren’t have been submitted to the architect for consideration and revision. Staff feels that options do exist whereby the letter of the code can be met. Staff recommends that the City Council evaluate the application, review the recommendation by the Planning and Zoning Commission, listen to the testimony provided at the meeting and make a determination that is in compliance with the sections of referenced in numbers a. and b. of item III, Points to Consider, above. These items require a finding that there are “unique site circumstances or a unique design proposal” and that a statement be made by the commission addressing how the proposal is consistent with the comprehensive plan.

The Mayor asked if anyone wished to speak for or against this proposal.
•David Lackey, attorney in Lenoir, spoke representing the applicant KCDC Properties, LLC. Lackey handed out photos of current Bonnie Mist car washes located in Lenoir which are owned by the LLC. The LLC is comprised of Kathy and David Cloer. Lackey stated that in May of last year the LLC purchased the property at 815 North Green Street for the purpose of building and operating a car wash. Mr. Lackey stated that a car wash is a permitted use, but like everything in the River District it must meet certain design standards. He stated that the zoning permits alternate design requests. Because the two design criteria mentioned have to do with aesthetics; he wanted to show Council existing facilities which were the photos he handed out earlier. He stated the City of Lenoir doesn’t have the same requirements / ordinances as the City of Morganton, but he assures that his clients keep their facilities clean and up-to-date.

Lackey asked that KCDC Properties be granted an alternate design regarding the glass requirement, because car washes have open bays, there is not a large blank wall that the ordinance seemed to be addressing. Lackey felt the ordinance was more focused on automobile service bays and mechanics who work on vehicles in bays.

Lackey also asked for relief on the orientation of the building. He stated that orienting the bays on the side, rather than street facing, could pose a safety issue. He stated that if you can’t see into the bays, criminals may await unlucky customers. It is also more secure for the employees to be seen from the street. The money boxes are a target for theft and if you can see into the bay from the street there is less likelihood of theft.

•David Cloer, owner of Bonnie Mist Car Wash, stated he enjoys the Morganton community and wants to be able to build something they, as owners, as well as the community, can be proud of.

There being no further public comment, the Mayor closed the public hearing at 6:46 p.m.

Councilman Simmons stated he understands that the orientation of the building was very important for the safety of customers and employees.

Councilman Fleming stated that the Council needs to use common sense and felt the points shared were well made. He stated this seems a reasonable request.

The City Attorney emphasized that under our ordinance the Council must find not only that there are unique circumstances, but that the proposal is consistent with the comprehensive plan. He is not sure that had yet to be addressed.

Lookadoo stated the Council would need to make a statement that says the approval meets the intent of the zoning code due to the unique site circumstances and that it is consistent with the mission of the 2030 Comprehensive Plan.

Upon motion by Councilman Simmons, seconded by Councilman Hawkins, and carried unanimously, the Council adopted Ordinance #18-09, the effect of which reflects the
decision of City Council to approve the proposed alternative design, as outlined in Section 2.2.7 of the City of Morganton Zoning Ordinance, for construction of the Bonnie Mist Car Wash at 815 North Green Street, as recommended by the Planning and Zoning Commission.

B.  Other Business

1.  Consideration of Accepting a Grant from the North Carolina Governor's Crime Commission and of Approving a Budget Amendment

The City Manager stated that in the 2017/2018 budget, staff budgeted the body camera purchase at $100,000 funded with 100% grant funds.

On January 10, 2018, Public Safety was notified by the NC Department of Public Safety - Governor’s Crime Commission that the City is the recipient of a Body Camera Grant. The Body Camera Grant requires a 50/50 match. Public Safety requested to spend a total of $119,150.00 on body cameras and infrastructure.

Public Safety has been looking at the possibility of utilizing body cameras for the past several years. In the 2016/2017 fiscal year cycle Public Safety applied for a 100% grant through the NC Governor’s Crime Commission, however Public Safety did not receive the grant. In November of last year, there was another opportunity to apply for a grant through the Governor’s Crime Commission, but with a 50/50 match. On November 6, 2017, City Council approved a resolution authorizing application for this grant (Resolution #17-36). Staff expected this grant to be awarded for the 2018/2019 fiscal cycle. The City is pleased to receive the grant, but were surprised the response came so quickly. This particular grant is State funded and not Federally funded, and acceptance requires doing the project in fiscal year 2017/2018.

The recommended budget amendment appropriates additional funds for body cameras for Public Safety. The total cost of the body cameras is $119,150. Grant match dollars in the amount of $59,575 have been offered to the City by the Governors Crime Commission. The grant match funds, $59,575, can be made available from two sources – a $16,175 appropriation of fund balance as shown on the attached budget amendment, and $43,400 from the reallocation of existing budgeted funds.

The Mayor asked if this would be in the next budget year. The City Manager stated these dollars need to be spent in this budget year, between now and June.

Councilman Fleming stated that if we are going to purchase body cameras, which will probably be required in the future, why wouldn’t we want to get 50% paid for by a grant. He stated it made good sense to him.

Councilwoman Cato stated the storage has been a question in the past but the City Manager has assured her that storage costs are part of the grant for this phase.
Upon motion by Councilman Fleming, seconded by Councilman Hawkins, and carried unanimously, the Council approved accepting a NC Governor’s Crime Commission grant for $59,575 to purchase body cameras and associated infrastructure for Public Safety.

Upon motion by Councilwoman Cato, seconded by Councilman Fleming, and carried unanimously, the Council approved a budget amendment in the amount of $16,175 in fund balance to complete the required 50% grant match.

2. Consideration of Award of Engineering Services Contract for the Coagulation, Flocculation and Sedimentation Process Improvement Project Design

The City Manager stated that in the fall of 2017, a study/evaluation of the coagulation, flocculation, and sedimentation processes at the water plant was approved. Several alternatives were examined to address the need for enhanced settling, related process improvements, and the need for any structural repairs and modifications in this area of the plant. The evaluation was completed in January 2018 and provided a recommendation to move forward.

All alternatives were analyzed and ranked based on the State’s design criteria, capital cost and operating costs. Non-monetary factors were also considered in the overall project ranking. The preferred alternative is for the addition of plate settlers, additional flocculation capacity, and a continuous sludge removal system installed in the newest basins 7-9, with a capital cost of $3.7 million. The older basins 1-6 would require $1-$2 million in repairs so they are being recommended for decommissioning. Staff feels that the recommended alternative satisfies all the requirements, providing a cost-effective solution.

Water plant engineering firm, Merrick & Company, has provided a scope for engineering services that would cover all steps to complete the improvement design and to prepare a set of 90% contract drawings for the improvements recommended for a fee not to exceed $190,000.

This design phase of the project was also planned and budgeted for in the current CIP. The budgeted amount is $250,000.

Upon motion by Councilman Hawkins, seconded by Councilwoman Cato, and carried unanimously, the Council approved an engineering services contract with Merrick & Company to complete the design phase of the coagulation, flocculation and sedimentation process improvement project at the water plant in the amount of $190,000.

3. Consideration of Award of Engineering Services Contract for a Water Distribution System Hydraulic Model Master Plan Update
The City Manager stated that due to planned and anticipated new development in and around the city, an updated hydraulic model and water distribution system master plan is needed. This will help identify deficiencies and potential projects necessary for improving and maintaining the system for this growth. Also, a better understanding of the existing water facilities’ capacities will be achieved.

This study should provide recommendations for future improvements to the water distribution system from alternatives that will be developed during the study. The recommended alternatives will be evaluated in a workshop format involving cross-departmental staff. Along with a new hydraulic model, a priority ranking system will be developed for our capital improvement planning.

Based upon qualifications and completion of similar work, HDR Engineering was selected for this project which was planned and budgeted at $50,000 in the current CIP.

Upon motion by Councilwoman Cato, seconded by Councilman Fleming, and carried unanimously, the Council approved an engineering services contract with HDR Engineering to complete a water distribution system hydraulic model masterplan update in the amount of $49,954.

4. Consideration of Appointments to Boards and Commissions


XIV. Other Items from City Manager and City Council Not on Agenda - Consideration to Set the Date for Advertisement of Unpaid Real Estate Tax Accounts for April 4, 2018

The City Manager stated that in accordance with G.S. 105-369A, the City Council is required to set the time for advertisement of unpaid real estate tax before the second Monday in February. City staff recommends to advertise once on April 4, 2018.

G.S. 105-369A also requires the tax collector to report the amount of unpaid tax that constitutes liens against real estate. The amount of unpaid real estate tax will be in the monthly Tax Collection Activity Report for January 2018.

Upon motion by Councilman Fleming, seconded by Councilman Simmons, and carried unanimously, the Council set the date for advertisement of unpaid real estate tax accounts for April 4, 2018.

XV. Reports – Reports were distributed to Council.

XVI. Adjournment – The meeting was adjourned at 7:01 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.

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Mayor

______________________________
Assistant City Clerk