MINUTES
REGULAR MEETING
CITY COUNCIL
August 6, 2018

Ronnie Thompson, Mayor   Sally W. Sandy, City Manager
Wendy Cato                Louis E. Vinay, Jr., City Attorney
Forrest A. Fleming        Council
Christopher Hawkins
Sidney Simmons
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 said speakers were to be called in order of sign-up.

No speakers were signed up or appeared, so the Mayor recessed the meeting at 6:01 p.m.

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

IV. Pledge of Allegiance to the Flag – Mayor Pro-tem Fleming led the recitation of the Pledge of Allegiance to the Flag.

V. Invocation – The invocation was given by the Rev. Dana McKim, First United Methodist Church.

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

VII. Public Advocacy Issues and Strategies

a. Francisco Risso shared information regarding the FaithAction ID Program. Risso stated that he has lived in the Morganton community for 20 years. He stated he came to Morganton to work for a church based organization that worked with the influx of Latino workers. He stated that things were going well until 2001; there had been help for immigrants to become assimilated but after September 11 that help took a back seat. He stated it is now much harder for immigrants, especially in attempting to obtain a government issued identification. He stated this is a problem throughout North Carolina. He stated that in 2013 a non-profit church based organization began working with the Greensboro City Police and the Guilford Sherriff’s Office to produce a community based ID. It has no legal standing and is only a way to identify the ID holder. Many police
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departments in North Carolina, including Greensboro, Winston-Salem, Durham, Chapel-Hill, High Point, and others, have agreed to accept this ID as a form of identification. Faith Action would like to bring the program to Morganton. Risso stated the purpose is to help build greater understanding and cooperation between the immigrant community and law enforcement for a safer, more inclusive, united community.

The Mayor asked if there was a cost to participants for the using the program. Risso stated there is a $10 per year cost and cards will be issued to people 16-years or older. The Mayor asked how participants prove their identity to Faith Action. Risso stated participants would need to show two forms of identification such as something with a photo and something showing proof of residence in the area.

The Mayor thanked Risso for sharing information about the Faith Action ID card program.

b. Phillip Lookadoo, Director of Development and Design, announced that Jesse James, Senior Planner, recently earned his Certified Zoning Official designation. Lookadoo stated Jesse has completed the requirements set by the North Carolina Association of Zoning Officials to become a Certified Zoning Official (CZO). Those requirements included participating in courses and successfully passing the CZO examination. Lookadoo congratulated and then presented James with his CZO certificate.

c. The Mayor announced a meeting date change for the Planning and Zoning Commission from August 9 to August 16, 2018.

d. The Mayor introduced Tonia Stephenson, new Burke County Chamber of Commerce CEO. She stated she is thrilled to be part of the Burke County community and is enjoying meeting people.

e. The Mayor announced the following upcoming event at CoMMA, Resurrection – A Journey Tribute on Monday, August 20. He also reminded everyone of the continuing Farmers Markets on Saturdays and Wednesdays.

VIII. Consideration of Changing City Council Meeting Date for September 2018

The City Manager stated that due to the Labor Day Holiday, staff recommends that the City Council Meeting for September be changed from September 3, 2018 to September 10, 2018.

Upon motion by Councilman Simmons, seconded by Councilman Hawkins, and carried unanimously, the Council changed the City Council Meeting date from September 3, 2018 to September 10, 2018
IX. North Carolina Municipal Power Agency Number 1 Update – The City Manager stated the rate committee has begun looking at rates for next year. She stated the ElectriCities Annual meeting will be held August 20-22 in Asheville.

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

A. Approved minutes for a Regular Meeting held on June 4, 2018 and a Special Meeting held on June 18, 2018 as submitted.

B. Approved tax releases in the amount of $790.25.

C. Approved a budget amendment (Ord. #18-49 & #18-48) to appropriate the receipt of donated funds in the amount of $10,000 for the Community House project which will be repaid to the Capital Reserve fund.

D. Adopted Resolution #18-23 approving the 2018 Updated Water Shortage Response Plan.

E. Approved Pay Range Changes / Position Changes as agreed to during the budget process.

F. Adopted updated Bylaws of The Burke Partnership For Economic Development, Inc. dba Burke Development, Inc. (BDI).

G. Adopted Resolution #18-22 stating the City of Morganton has no objection to abandonment by the NC DOT of a 0.125 mile portion of Old Jamestown Road (SR 1194).

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

XII. New Business

1. Consideration of Calling for a Public Hearing to Enter into a Local Incentive Agreement / Project JP3

The City Manager stated that a company identified for confidentiality reasons as “Project JP3” proposes to develop a new industry in Morganton, by re-purposing part of an existing but unoccupied industrial plant. The company projects spending approximately $11,500,000 for new plant and equipment, and creating about 42 new jobs.
BDI has negotiated with Project JP3, which to make its plans achievable now seeks an economic development grant from the City and from Burke County. This grant would provide for reimbursement to the Company for improvements to its private property by grants equal to 50% of the additional ad valorem property taxes which would be due to the City and the County due to the Company’s investments, such grants beginning in 2020 and continuing for 5 years if the conditions are met.

Before the City may enter into a grant agreement such as this, Council must notice and hold a public hearing, as required by General Statutes Section 158-71 for economic development incentives.

Upon motion by Councilwoman Cato, seconded by Councilman Fleming, and carried unanimously, the Council adopted Resolution #18-21 calling for a public hearing on September 10, 2018, at 6:15 p.m., in Council Chambers, to consider adoption of an economic development agreement for Project JP3.

2. Consideration of Award of Contract for the Sanitary Sewer Portion of Improvements in the Green Street Revitalization Project

The City Manager stated this sewer line project involves the removal of existing sewer line and manholes along Bouchelle Street and Fleming Place, and the replacement construction of approximately 780 linear feet of new sewer line along with manholes and other sewer line appurtenances. This particular project is only a portion of the larger Green Street Revitalization Project. ARC (Appalachian Regional Commission) funding was secured for the Green Street Revitalization Project and consequently for this subsidiary project. The sewer line portion was eligible for up to $78,650 in grant reimbursement.

Sealed bid proposals were received and opened by the City Engineer on Tuesday June 26, 2018. Ten bids were submitted for the project including four “No Bid” submissions. The lowest responsive, responsible bid was submitted by Hickory Sand Construction of Hickory, North Carolina in the amount of $134,725.

The remaining five bids in order from lowest to highest were:

$154,850.00 – Two Brothers Utilities LLC of Shelby, NC
$164,376.50 – Iron Mountain Construction of Mountain City, TN
$167,650.00 – Max Prestwood Construction of Lenoir, NC
$168,950.00 – North State Water and Sewer of Winston-Salem
$245,611.00 – Fuller & Co. Construction LLC of Bessemer City

The Mayor asked when construction would begin. The City Manager stated it will probably be several weeks. The Mayor asked if roads would be closed during construction; the City Manager stated possibly and any closings would be announced ahead of time.
Upon motion by Councilman Fleming, seconded by Councilman Simmons, and carried unanimously, the Council authorized a contract with Hickory Sand Construction of Hickory, NC to perform the Bouchelle Street and Fleming Place Sewer Line Improvements Project, as part of the larger Green Street Revitalization Project, at a cost of $134,725.

3. **Consideration of Award of Contract to Relocate an Existing Sewer Line at Alpine Mill**

The City Manager stated that with the redevelopment and readapting of the former Drexel Heritage Furniture Plant No. 7 at 109 East Fleming Drive into a mixed-use development (Alpine Mill), including apartments set for occupancy this fall, the City determined the need to relocate the existing sanitary sewer line from underneath the building. Despite already having the existing sanitary sewer line crossing under the Norfolk Southern Railroad tracks, the City had to gain approval through submission of relocation design plans from Norfolk Southern Railroad in order to achieve this relocation. That approval, along with authorization to construct from NCDEQ, has been received thereby releasing the project for construction. The relocation involves the installation of approximately 1100 feet of 8-inch, epoxy-lined ductile iron pipe (DIP), including a 75-ft. directional bore with encasement underneath and below the railroad tracks. The project also involves the installation of 7 manholes. The installation starts from an existing manhole in the vicinity of the Historic Morganton Train Depot and essentially parallels the railroad tracks on the west for 600 feet before turning for the bore underneath the railroad. The new line then ties into another existing manhole near East Fleming Drive east of the Alpine Mill building. The proposed new 8-inch line is an upgrade and upsize from the existing 6-inch cast iron pipe (CIP) sanitary sewer line under the building and vitrified clay pipe (VCP) sanitary sewer line outside the building. The proposed new line will adequately handle the present sanitary sewer inflow from the downtown area currently served by the 6-inch line as well as the future flow anticipated from further development downtown, particularly in the newly-designated Craft District.

Four bids were received by the City Engineer for the project on Thursday July 12, 2018, two of which were No Bids. Iron Mountain Construction Co., Inc. of Mountain City, Tennessee was the lowest responsive, responsible bidder for the project in the amount of $256,950.00. The other bid received was from Hickory Sand Co., Inc. of Hickory, NC in the amount of $460,725.00. These bids represent labor only for the project based on a per diem amount with a capped maximum.

The necessary piping for the project will be purchased from Core & Main by the Contractor for the quoted amount of $57,743.34, while the necessary manholes will be purchased by the Contractor from Dellinger Precast for the quoted amount of $7,150. Factoring in a 10% contingency to cover any unexpected conditions arising during construction, the total project budget comes in at approximately $360,000.
Councilman Fleming stated that in years past things were probably done in a more simple fashion than allowed currently. He stated that as a result of these changes it will cost the City $360,000 to correct past problems.

The City Manager stated that as a consequence of having to do this work the City will put a larger capacity line in place which will help in future development.

Upon motion by Councilman Hawkins, seconded by Councilwoman Cato, and carried unanimously, the Council authorized a contract with Iron Mountain Construction Co., Inc., in the amount of $360,000, to perform the Alpine Mill Sewer Line Relocation near Downtown Morganton, North Carolina.

4. Consideration of Award of Contract for South Sterling Street Storm Drain Repair and Approval of Budget Amendment

The City Manager stated that for the past ten years or more sinkholes along South Sterling Street, in the vicinity of the Norfolk Southern Railroad tracks in the south side of downtown Morganton, have gradually increased in size. Heavy rain events have particularly contributed to the growth of the sink holes. Existing storm drain pipes are located under buildings in this block between Erwin Street and the railroad tracks. Originally installed to carry the downtown stormwater runoff and to convey a natural open stream that once existed in this area back in the 19th century; the current storm drain system is grossly undersized and inadequate to handle prevailing storm events. Improvements have now been completed below the railroad to convey runoff and stream flow. However, the problem north of the railroad tracks and above the storm culvert under the railroad has not been upsized to convey or carry the current runoff from development of the downtown area over the past century and a half.

The current system is comprised of varying sizes of pipe with bottlenecks at several locations where larger diameter pipes feed into smaller diameter pipes. Consequently, to solve the many issues associated with the drainage upstream from the railroad culvert, the City has deemed it necessary to relocate the storm drain system. The relocation will remove alignment from under the existing buildings and upsize the pipe to a 60-inch diameter from Erwin Street down to the railroad right-of-way. Repair of the catch basin at the toe of the slope at the railroad right-of-way, the location of one sinkhole, and the removal of another catch basin, the location another sinkhole, will both be completed as part of this storm drain repair and relocation. Those portions of the existing storm drain system being abandoned as a result of the realignment and relocation of the storm drain system will be grout-filled with flowable concrete.

Four bids giving per diem amounts for the contractor to provide labor and equipment to install the storm drain relocation were received by the City Engineer for the project on Friday June 15, 2018. Max Prestwood Water and Sewer, Inc. of Lenoir, NC was the lowest responsive, responsible bidder. The bid for the project is a per diem amount of $4,500 which equates to $202,500 with an assigned maximum 45-day labor cap. K & P Utility Contractors, Inc. was the next lowest with a $5,200 per diem bid amount. The
other two bids were received from F & S Contractors with a $6,000 per diem bid amount while Hickory Sand Co., Inc. of Hickory, NC submitted a per diem amount of $6,445.

In addition to the labor and equipment, the lowest responsive, responsible bidder has been asked to purchase the necessary piping, 60-inch HDPE Storm Pipe, as well as the special-order, oversized catch basins/junction boxes necessary for the storm drainage relocation. The 60-inch diameter storm drain pipe will be supplied through Core & Main at a quoted cost of $54,421.20. The seven oversized, special-order catch basins will be purchased from Dellinger Precast at a quoted cost of $43,030.00. Additional materials necessary for the storm drain repair include flowable concrete fill, wash stone for bedding the pipe, additional incidental stone, asphalt for patching the parking lots and driveways, some grassing and a sewer line repair. These items total another $386,670, bringing the total cost of the project to approximately $755,283.32. The total also includes a 10%, $68,662.12, contingency to cover unexpected conditions.

Because there are several NCDOT highways that drain into this pipe system, the State is participating in this repair. By agreement, the NCDOT will fund $350,000 worth of the repairs. The remainder will be paid by the City. Powell Bill funds and Capital Reserve funds will be used. The Capital Reserve funds will be paid back out of the motor vehicle tax fees over the next 5 budget years in order to restore those funds for use in future projects. Necessary budget amendments will need to be approved.

The City Attorney stated that Council could see the projected route of the new line on the map shown. He also stated that Mr. Prestwood is presently doing the work at Burger King which is really part of the same drainage area. The Attorney wanted to acknowledge local legislators Hugh Blackwell and Warren Daniel who helped convince the State to partner on this project.

Councilman Fleming asked if this would take care of the problems at the properties in this area. The City Manager stated it would and acknowledged that a situation like this would not occur today, and that in today’s world the City would never accept this type of responsibility. The City Manager stated that Alder Springs, a natural water flow, is another part of the issue.

Upon motion by Councilman Fleming, seconded by Councilwoman Cato, and carried unanimously, the Council authorized and awarded a contract with Max Prestwood Water and Sewer, Inc. to perform the South Sterling Street Storm Drain Repair Project near the Norfolk Southern Railroad tracks just south of Downtown Morganton, North Carolina.

Upon motion by Councilman Fleming, seconded by Councilman Hawkins, and carried unanimously, the Council approved budget amendments to appropriate funds for the repair of storm drains on South Sterling Street. (Ord. #18-46 & 18-47)

5. Consideration of a Resolution Authorizing a Grant Application from the North Carolina Appalachian Regional Commission (ARC) / Craft District
The City Manager stated the City intends to start the Craft District Infrastructure Project to improve water and sanitary sewer on East McDowell and South Green Streets. The City estimates that the Craft District Infrastructure Project will cost approximately $619,600. The North Carolina Appalachian Regional Commission (NC ARC) Construction Grant Program assists local governments in developing projects that will provide significant economic and community development opportunities for communities in our region with funding up to $300,000.

The City has committed to providing local matching funds for the project in the amount of $319,600. City Council must approve a resolution authorizing the grant application.

Councilwoman Cato stated there is a big push for residential housing in this area and with that owners must install sprinkler systems because of fire code. This infrastructure supports the increased future needs. The City Manager stated these are also some of the oldest lines in the water system.

Upon motion by Councilwoman Cato, seconded by Councilman Hawkins, and carried unanimously, the Council authorized Resolution #18-20 allowing staff to apply for a $300,000 grant from the North Carolina Appalachian Regional Commission Construction Grant Program.

6. Consideration of Approval of Downtown Housing Improvement Plan (HIP) Guidelines and Appointment of Review Board

Sharon Jablonski, Main Street Director, stated the City recently completed a second Masterplan for Downtown Morganton which was adopted by the City Council in March 2018. The Masterplan documented the shortage of housing in the downtown area. The continued economic success of downtown is dependent upon additional housing in all forms to be developed and available in the Municipal Service District which is defined with the same boundaries as the zoning district known as the Central Business District.

It was stated that properties in the MSD and CBD are also in a special fire district which can increase requirements to meet fire code in the dense CBD district.

In the 2018/2019 budget, the City Council supported and approved an appropriation of $120,000 to support a first come, first serve, low interest loan program to stimulate downtown housing. The proposed guidelines for the Downtown HIP were given to Council in their packets for review. Once the guidelines are established and the review committee is in place, applications will be accepted.

Jablonski stated that if the Council is comfortable moving ahead with the Downtown HIP, staff asks that you appoint individuals to the review committee. The review committee will have five (5) members representative of the stakeholder groups as identified in the guidelines. She proposed these five individuals as initial members, all of who have expressed willingness to serve: Roderick Horton representing the Masterplan
Steering Committee, Charlotte Eidson representing the Downtown Development Association, Keith Suttles representing the Main Street Advisory Board, Ray Benfield, a resident of the CBD/MSD, and Russ Sprehe representing the local financial community.

The City Manager stated next steps include getting ready to roll this out to the public by placing the program details on the City website and social media platforms, and possibly something in the News Herald. Councilman Fleming asked how long it would take to get the word out; the Manager said within the next few weeks. Jablonski stated she already had people waiting for applications.

The City Manager stated the applications would be presented to Council after going through the review board process. The Council would then call a public hearing like they do with any other economic development incentive. Then Council would consider award of a loan after holding the public hearing.

Upon motion by Hawkins, seconded by Councilman Simmons, and carried unanimously, the Council approved the guidelines as presented for the Downtown Housing Improvement Plan (HIP).

Upon motion by Councilman Hawkins, seconded by Councilman Simmons, and carried unanimously, the Council appointed the following individuals to serve on the Downtown HIP Review Board: Roderick Horton, Charlotte Eidson, Keith Suttles, Ray Benfield, and Russ Sprehe.

7. Consideration of a Resolution Authorizing Resource Institute, Inc. to Provide Grant Writing Assistance to Seek Additional Funding to Match Duke Energy Funding Support of Public Recreation Facilities — Catawba-Wateree Hydroelectric Project No. 2232 and A Memorandum of Understanding with Resource Institute, Inc.

The City Manager stated that under the Catawba-Wateree Project (FERC No. 2232) Comprehensive Relicensing Agreement (CRA) Section 10.27.3.6 – Morganton Weir Take-out Area agreement, Duke Energy shall provide funding up to $125,000 to the City of Morganton for the City to develop a trailered-boat ramp and approximately ten gravel parking spaces upstream in the immediate vicinity of the Morganton Weir, provided that the City can arrange for the ongoing maintenance of the ramp and support facilities and provide the necessary land to develop and maintain the site.

Conditions in the CRA have caused this funding amount to increase from the original amount of $125,000 to $139,600 of which we have received from Duke Energy. This recreational facility identified in the CRA shall be constructed, operated and maintained and remain open to the public.

In order to make this project the best that it can be, increase its durability and therefore reduce long term maintenance costs, the City would like to allow Resource Institute, Inc. of Winston Salem to write a grant to increase our existing funds by an amount equal to $120,000 for a total project amount of $259,600. For their services, Resource Institute,
Inc. would receive 10% of the funding awarded through the grant. If no grant funds are received then Resource Institute, Inc. would not receive any payment.

The Mayor asked if Resource Institute were unsuccessful in obtaining a grant they would receive no compensation and if they obtain the grant they will receive 10%. The City Manager stated that indeed is the understanding.

Councilman Fleming stated this is just fancy talk to say this is a boat launching dock with a nice parking lot.

The Mayor asked what FERC stood for. The City Manager stated Federal Energy Regulatory Commission; they are all things energy in this country.

The Attorney stated the relicensing spoken about was Duke’s relicensing to operate hydroelectric dams along the Catawba River. As part of their relicensing process they had to grant funds to counties and municipalities along the river for recreational purposes.

The City Manager stated that Morganton residents are also Burke County residents. She shared that Burke County was also a recipient of FERC funding, receiving almost $6 million from Duke Energy. Scott Carpenter, Community Development Director for the County, has been using funds to help construct the Fonta Flora trail.

Councilwoman Cato recognized the work of Richard Mode and Squeak Smith of Resource Institute.

Upon motion by Councilwoman Cato, seconded by Councilman Fleming, and carried unanimously, the Council approved Resolution #18-19 authorizing Resource Institute, Inc. to provide grant writing assistance to seek $120,000 in additional funding to match Duke Energy Funding Support of Public Recreation Facilities — Catawba-Wateree Hydroelectric Project No. 2232 and approve a Memorandum of Understanding with Resource Institute, Inc. agreeing to a fee of 10% of grant funding received.

8. Consideration of Amendment of Lease with DiMarhos, Inc. for the Building at 112 West Union Street

The City Attorney stated that the City’s current lease with DiMarhos, Inc. for the Yianni’s building at 112 West Union Street only runs through November 20, 2022. In order to make the operation more attractive to any potential new partner, Yianni DiMarhos has requested of the City to amend the Lease to extend the term. Yianni has been considering a new partner or one who might take over the business. Any such interested party would, reasonably enough, desire a longer term lease. Therefore, the City staff has negotiated a potential amended lease that would provide for an initial term through 2022 and give the Lessee the right to renew the term for five (5) years beyond that, through 2027. There would also be adjustments to increase slightly the monthly rent both in the initial and renewal terms.
Under the terms of the current Lease, any sale of an interest in the business constitutes an assignment, which would require the City to approve and consent in writing.

Since Yianni’s return to the business in 2017, it has always been the City’s understanding that he did not wish to continue indefinitely in the hands-on operation of the restaurant. Therefore, staff have always anticipated that if a new operator appeared, and could work out a satisfactory arrangement with Yianni, that the City would consider assigning the Lease, including a potential option to purchase the building.

The amended lease would provide that the initial term would run through December 31, 2022, with the tenant given the option and right to extend that by five (5) years, through December 31, 2027. Rent for the remainder of 2018 would continue at the current rate of $2,250 per month, and then increase to $2,300 in 2019, $2,400 in 2020, $2,500 in 2021 and $2,600 in 2022. In the renewal term, the rent would increase by $100 per month per year. The lease would continue to require the operation on the premises of a family restaurant, with the tenant responsible for all taxes and utilities. The current arrangements for division of responsibility on repairs and maintenance would continue. The tenant would have a right of first refusal to acquire the building, subject to the prior existing right of first refusal to Eddie McGimsey, Jr. The lease would continue to cover only the portion of the building actually used by the restaurant, and would not affect the City’s Main Street Office on the upper floor.

Councilman Fleming asked for clarification. The City Manager stated it’s basically just approving a 5 year extension.

Upon motion by Councilwoman Cato, seconded by Councilman Fleming, and carried unanimously, the Council approved an Amended and Restated Lease Agreement with DiMarhos, Inc. for most of the building at 112 West Union Street in Morganton, and to authorize the Mayor and City Manager to execute necessary documents.

9. Consideration of Approval of a Grant Agreement for the Main Street Solutions Fund Grant / Downtown Hotel

The City Manager stated this is the $200,000 grant the City applied for and was awarded which will ultimately be used for the construction of a downtown hotel. Staff has been waiting for the Department of Commerce to send the grant agreement. Staff had hoped to receive the agreement last week however it was just received at 3:00 p.m. today. Because of the length of the agreement and no time to review it, Staff is asking to have this item deferred until the September 2018 meeting.

Upon motion by Councilman Fleming, seconded by Councilman Simmons, and carried unanimously, the Council approved deferring this item until the September 10, 2018 City Council Meeting.

10. Appointments to Boards and Commissions
a. **ABC Board** - The term of ABC Board Member Marc Sholar is expiring. Mr. Sholar 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.

Upon motion by Councilman Fleming, seconded by Councilwoman Cato, and carried unanimously, the Council reappointed Marc Sholar to the Alcoholic Beverage Control Board for a term to expire on August 5, 2021.

b. **Community Appearance** - Bill Allman has expressed his intent to resign from the Community Appearance Advisory Commission. The City thanks Mr. Allman for his many years of service and commitment to our community.

Mr. John Cantrell has expressed interest in being appointed to the Community Appearance Advisory Commission to fulfill Mr. Allman’s term. This is a Mayoral appointment.

The Mayor appointed John Cantrell to fulfill a term set expire on June 1, 2020 on the Community Appearance Advisory Commission.

c. **Main Street** – The City Manager stated that as Council may recall from the June 4 Council Meeting, Mainstreet Advisory Commission member Jerry Haynie will be moving out-of-state thus will be unable to continue serving, leaving a vacancy on this Commission. This by-laws for this Commission allow up to 21 members.

The Main Street Advisory Board has requested that Keith Suttles, Ginny Erwin, and John Cantrell be appointed to the Main Street Advisory Board. All have expressed interest in serving and are very supportive of the Main Street Program and the advancement of Downtown.

In order to keep terms staggered it is recommended that Ms. Erwin and Mr. Cantrell’s appointments expire on June 30, 2019 and Mr. Suttles’ to expire on June 30, 2021. This is a Mayoral appointment.

The Mayor appointed to the Mainstreet Advisory Commission: Ginny Erwin and John Cantrell for terms to expire on June 30, 2019 and Keith Suttles for a term to expire on June 30, 2021.

d. **Burke Development, Inc.** – The City Manager stated that Burke Development, Inc. (BDI) by-laws state the City of Morganton will have two members on the BDI Board with three year terms.

The by-laws state: The City of Morganton shall appoint a total of two (2) Directors, one to be the Mayor of Morganton or designee (designee becomes board member). One Director shall be the City Manager. All appointments will be for a three year time period and they shall serve until their successors are appointed.
Former Councilman John Cantrell has been the Mayor’s designee until the end of Fiscal Year 2017-2018 which ended on June 30, 2018. The Mayor now wishes to appoint Councilman Chris Hawkins as his designee.

Upon motion by Councilwoman Cato, seconded by Councilman Simmons, and carried unanimously, the Council approved the appointment of Councilman Chris Hawkins as the Mayor’s designee to the BDI Board of Directors to fulfill a term to expire December 2018.

XIII. Other Items from City Manager and City Council Not on Agenda - Consideration of an Ordinance Scheduling a Temporary Closure of a Certain State Highway for a Special Event

The City Manager stated that on October 27, the Foothills Conservancy of North Carolina will host its annual event The Flavors of the Foothills. The Historic Morganton Festival, Inc. (HMF) has been asked to partner in this event this year. The event will include a farm to fork benefit and auction which they wish to hold along the 100 block of West Union Street. They seek permission to close the street from 8:00 a.m. to 11:00 p.m. on Saturday, October 27, 2018.

Guidelines issued by the North Carolina Department of Transportation provide that when a municipality is holding or sponsoring any “special event” that requires temporary closure of any street or highway under jurisdiction of the DOT, the municipality must pass an ordinance approving the special event, and designating the streets to be closed, and then must post appropriate signs to give notice of the event and the closings. The City must then forward the ordinance to the proper DOT Highway Division office, and must coordinate with DOT to make sure the planned closures do not conflict with other activities. Municipalities have limited authority over State highways within city limits under General Statutes Section 20-169.

In March 2018, Council adopted a single ordinance for all street closings for known events which were included in the long list of “Downtown” activities for 2018 as scheduled by the City’s Main Street office. This event was not included on that list so this additional ordinance needs to be adopted.

Upon motion by Councilwoman Cato, seconded by Councilman Fleming, and carried unanimously, the Council adopted Ordinance #18-45 scheduling a temporary closure of the 100 block of West Union Street from 8:00 a.m. until 11:00 p.m. on Saturday, October 27, 2018 for a special event.

XIV. Reports – Reports were distributed to Council.

XV. Adjournment – The Mayor adjourned the meeting at 7:30 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