

MINUTES

Regular Meeting
City Hall Council Chamber

July 7, 2014
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric Hendrick, Dennis C. Bailey, Ben Kittrell; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, City Engineer Ben Yarboro, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Reporter Molly Phipps, The Shelby Star

Absent: Council Members David W. White, Jeanette D. Patterson, and Dicky Amaya

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Hendrick led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

ACTION TAKEN: Upon a motion made by Mr. Bailey, City Council voted unanimously to approve the agenda as presented.

B. Special Presentation:

- 1) Tar Heel Leagues Girls Fast-Pitch Softball State Tournaments – Charlie Holtzclaw, Director of Parks and Recreation

Surpassing the largest, successful tournaments held to date, Mr. Holtzclaw was pleased, once again, to announce Shelby City Park will host the Tar Heel Leagues 2014 Girls Fast-Pitch Softball State Tournaments beginning July 17 and running through July 20, 2014. The tournaments consist of numerous teams, all competing in five age groups. These tournaments will feature five Shelby host teams and combine for a total of 43 teams with nearly 730 players and coaches participating in the four-day event. Mr. Holtzclaw stated several hundred spectators are expected daily until the Sunday

championship games. There will be a total of nearly 80 games played at both the Ball Field Complex and the Recreation and Sports Complex.

In terms of economic development and travel tourism, Mr. Holtzclaw added this will be the largest youth sports tournament ever played at City Park and the local hotels are booked to capacity. The teams will come from all across the state from the coast to the mountains and will also patronize Shelby's restaurants and businesses.

Mr. Holtzclaw reminded Council this would not be possible without the Recreation and Sports Complex, which opened in 2012, and played host to the hugely successful 39-team Girls Softball State Tournament last summer and the 24-team Boys Baseball State Tournaments in 2012.

Mr. Holtzclaw extended his personal invitation to attend the opening ceremonies for all teams on July 17, 2014 at 12:30 p.m. at the City Park Recreation and Sports Complex.

In addition to the softball tournaments, Mr. Holtzclaw mentioned the Sharks Aquatic Club 2014 Last Chance Swim Meet will be held July 11-13, 2014 at Shelby City Park pool, hosting almost 600 swimmers.

Lastly Mr. Holtzclaw expressed his appreciation to all those involved in the planning process for the softball tournament particularly to Assistant Parks and Recreation Director David Fisher, who has been very instrumental in bringing the Tar Heel Leagues events to Shelby.

C. Public Hearings:

- 1) **Consideration of a proposed zoning map amendment to rezone property at 514 West Dixon Boulevard from Neighborhood Business (NB) Zoning District to General Business (GB) Zoning District**

Mr. Scharer explained the property owner of 514 West Dixon Boulevard, which is home to the Huxley Village Shopping Center, submitted an application to rezone this property to General Business. After reviewing the case, the Planning and Zoning Board recommended denial of this proposed zoning map amendment. Subsequently the owner amended the application to a Conditional Use application. The Planning and Zoning Board will revisit this matter on July 17, 2014.

Although this application was amended and is scheduled to be heard by City Council on August 18, the public hearing notice for the original application was published in the newspaper. Therefore,

staff recommended conducting the public hearing for any citizens in attendance and/or not aware of the amendment to the application. Mr. Scharer advised no action was necessary at the conclusion of the public hearing.

Mayor Anthony opened the public hearing at 6:08 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:09 p.m.

Council received the information, referred attendees to City staff, and took no action.

2) Consideration of a resolution confirming the City of Shelby's intent to offer an economic development incentive grant: Resolution No. 37-2014

Mr. Howell stated the hearing was properly advertised, allowing for public comment on the City's proposed industrial incentive grant to Project Red Clay. The name of the company will not be released until an announcement is made public. Mr. Howell said the company intends to invest approximately \$3 million and to build a 100,000 square foot speculative building at the Foothills Commerce Center. The City plans to provide an incentive grant over a three-year period, convey approximately 17 acres at no cost, and provide a one-time, upfront grant toward the grading of the site based upon the new investment.

At the company's request, Mr. Howell recommended approval of the resolution be delayed until a future meeting, pending the finalized incentive agreement.

Mayor Anthony opened the public hearing at 6:13 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:14 p.m.

Council received the information and took no action.

D. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Kittrell made a motion to approve the consent agenda and each item as presented. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of June 16, 2014
- 2) Approval of Special Event Permit Application:
 - a. Mt. Calvary Baptist Church “Community Explosion”, requested date: July 19, 2014
- 3) Adoption of an ordinance amending a capital project ordinance and budgets for the City of Shelby’s Foothills Farmers Market Shade Pavilion Project: Ordinance No. 32-2014
- 4) Approval of a resolution accepting a State Revolving Loan for the construction of the City of Shelby Wastewater Treatment Plant Improvements Project: Resolution No. 38-2014
- 5) Approval of a resolution approving an application by the City of Shelby Police Department to the U S Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 39-2014
- 6) Approval of a resolution authorizing disbursement of Travel and Tourism funding for Fiscal Year (FY) 2014-2015: Resolution No. 40-2014
- 7) Adoption of Fiscal Year (FY) 2013-2014 Budget Ordinance Amendment No. 11: Ordinance No. 33-2014

END CONSENT AGENDA

E. Unfinished Business:

- 1) Consideration of a resolution approving revisions to the City of Shelby Fee Schedule for the addition of the “Stormwater Utility Fee Credit Program”: Resolution No. 41-2014

Mr. Howell introduced Resolution No. 41-2014 for Council’s consideration. If approved, this resolution would authorize an adjustment to the City’s fee schedule, which became effective July 1, 2014, and provide potential reductions in the stormwater fees charged to commercial customers. He recommended the Stormwater Utility Fee Credit Program should be implemented in an effort to encourage commercial properties to complete onsite improvements and measures that improve the quality and quantity of stormwater runoff as well as reduce the impacts of their stormwater runoff on the drainage system.

Mr. Yarboro stated the City of Shelby Stormwater Fee Credit Program offers commercial property owners the opportunity to reduce their stormwater utility fee charges by applying for available fee credits. The fee credits are cumulative and stormwater fees may be reduced as much as 30 percent based on the following three credit categories:

- **Water Quality (10 percent credit) – Properties qualifying for this fee credit shall provide an onsite Best Management Practice (BMP) that reduces the impact of pollution on water quality and conforms with the design and maintenance standards in the City of Shelby's Phase II Stormwater Ordinance and the NC Department of Environment and Natural Resources BMP (Best Management Practices) Manual (minimum 85 percent TSS (Total Suspended Solids) removal). The required water quality analysis is to be prepared and sealed by an engineer registered in the State of North Carolina.**
- **Water Quantity (10 percent credit) – Properties qualifying for this fee credit shall provide a post developed rate of runoff that is less than or equal to the runoff rates at pre-development. Properties that reduce their peak discharge rate to pre- developed conditions are eligible to receive a stormwater runoff control credit. If site conditions do not allow for a complete reduction to the pre-developed peak discharge rate, the credit will be determined proportionally based on the amount of reduction attained (i.e., if the developed peak discharge is reduced by 70 percent of the differential runoff, then the corresponding credit would be $0.70 \times 20 \text{ percent} = 14 \text{ percent}$).**

Runoff rate analysis is to be based on a 10-year storm event with supporting calculations prepared and sealed by an engineer registered in the State of North Carolina.

- **Industrial Stormwater Permit (10 percent credit) – An industrial property that is covered by an individual or general National Pollution Discharge Elimination System (NPDES) stormwater discharge permit is eligible for this credit if all requirements of the aforementioned permit are satisfied. An annual inspection report must be provided to the City to verify compliance and receive this fee credit.**

Mr. Yarboro further stated properties desiring to receive a stormwater fee credit will be responsible for completing a Stormwater Fee Credit Application form that will be available from the City of Shelby Stormwater Department. On properties that receive a stormwater fee credit, City staff will complete an initial

inspection and then inspections will be completed on at least an annual basis to ensure that proper maintenance is being performed and that the fee credit is still justified.

ACTION TAKEN: Upon a motion made by Mr. Bailey, City Council voted unanimously to approve and adopt Resolution No. 41-2014 entitled, “A RESOLUTION APPROVING REVISIONS TO THE CITY OF SHELBY FEE SCHEDULE FOR THE ADDITION OF THE ‘STORMWATER UTILITY FEE CREDIT PROGRAM’ ”.

F. New Business:

- 1) Consideration of a resolution approving a Joint Use Agreement between the City of Shelby and the Cleveland County Board of Education regarding the use of the outdoor playing fields and designated parking areas at Central Services: Resolution No. 42-2014

Mr. Howell introduced Resolution No. 42-2014 for Council’s consideration. If approved, this resolution simply formalizes a longstanding, informal agreement the City has maintained with the school system for the use of the old Shelby Middle School baseball/football playing field, tennis complex, and designated parking areas.

Next Mr. Holtzclaw stated the Shelby Parks and Recreation Department has had a year-to-year arrangement with Cleveland County Schools (and former Shelby City Schools) for the use of school athletic fields and facilities for recreational purposes for decades. After moving the County School Administrative Offices and Turning Point Academy into the former location of the Shelby Middle School, the school system inquired about the City entering into a longer term 5-year agreement for the exclusive use of the baseball/football field and tennis courts in exchange for the City’s performance of routine maintenance.

Mr. Holtzclaw further stated while the addition of the new Recreation and Sports Complex and renovations of the City Park Tennis Courts lessen the demand for these facilities, it was determined there remains an adequate need to continue. This need primarily relates to using the ball field for youth football practice and games, noting the City does not have football fields in its park system. In addition, when the Cleveland County Tennis Association (CCTA) wishes to hold sanctioned United States Tennis Association (USTA) tournaments, they will be required to have a minimum of two additional courts in addition to the three courts located at Shelby City Park.

Staff believes the agreement is fair and does not put the City at risk for any substantial financial obligation in excess of normal preventative maintenance, which is already being performed. The agreement also continues a strong partnership between the City of Shelby and Cleveland County Schools that mutually benefits both parties.

Discussion followed and clarified the enhancements, modifications, renovation, new construction, maintenance, and repair responsibilities between the two parties, noting the Board of Education remains the owner of the property and has the right to terminate the agreement with 180 days' written notice to the City.

ACTION TAKEN: Upon a motion made by Mr. Bailey, City Council voted unanimously to approve and adopt Resolution No. 42-2014 entitled, "A RESOLUTION APPROVING A JOINT USE AGREEMENT BETWEEN THE CITY OF SHELBY AND THE CLEVELAND COUNTY BOARD OF EDUCATION REGARDING THE USE OF THE OUTDOOR PLAYING FIELDS AND DESIGNATED PARKING AREAS AT CENTRAL SERVICES".

G. City Manager's Report:

- 1) Mr. Howell announced he will be on vacation from July 12-19, 2014.

Mr. Yelton added he will be on vacation from July 8-20, 2014.

H. Council Announcements and Remarks:

- 1) Mayor Anthony reminded all to attend the Washburn Switch Interchange Small Area Plan Public Open House on July 8, 2014 from 4:00 p.m. to 7:00 p.m. at the Aquatics Conference Room, Shelby City Park.
- 2) The Mayor mentioned receiving a thank you card from Gabe DeVoe, who was recently recognized by City Council for his athletic and academic achievements.
- 3) Mayor Anthony invited all to attend the Shelby Parks and Recreation Department and Tar Heel Leagues 2014 Girls Fast-Pitch Softball State Tournament Opening Ceremonies on July 17, 2014 at 12:30 p.m. at the City Park Recreation and Sports Complex.
- 4) The Mayor extended an invitation to attend the Cleveland County Chamber State of the Community Breakfast on July 16, 2014 at 7:30 a.m., Don Gibson Theatre.

5) Mayor Anthony announced Mr. Howell was celebrating his birthday today as he and Council members extended their best wishes to him.

I. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 6:32 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of July 7, 2014