

MINUTES

Regular Meeting
City Hall Council Chamber

November 17, 2014
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric Hendrick, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Ben Kittrell, Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Planning and Development Services Walter (Walt) Scharer, AICP; and media representatives, Broadcasting and Cable Access Director Greg Tillman of Cleveland Community College/C19TV and Reporter Casey White of The Shelby Star

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

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentation:

- 1) Recognition of David Bradley on the occasion of his retirement from employment with the City of Shelby: Resolution No. 48-2014

Mayor Anthony called upon Mr. Bradley who recognized his wife and the Fire & Rescue Department crew in attendance. The Mayor formally read and presented framed Resolution No. 48-2014 to Mr. Bradley. He then presented the key to the City, a City lapel pin, and plaque to Mr. Bradley in honor of and with heartfelt appreciation for 28 years of dedicated service to the City of Shelby in the Fire & Rescue Department.

Humbled by the recognition, Mr. Bradley expressed his appreciation to all.

C. Public Comment:

- 1) **Modestenia Bush** who resides at 1338 North Lafayette Street in Shelby, North Carolina distributed handouts and made a presentation about two of her concerns for the betterment of Shelby. Mrs. Bush suggested the Keep Shelby Beautiful Commission consider a cleanup project along US 74 Bypass to remove cigarette butts and other litter. In accordance with the Shelby signage effort, she also suggested anti-littering signs should be strategically placed along the route to remind residents that littering is a crime and the littering law will be enforced. Secondly, Mrs. Bush suggested designated smoking areas at events such as Shelby Alive sponsored by Uptown Shelby Association. She stated she and many others would like to see smoking areas confined to several corners around the Court Square, allowing those who are allergic to smoke an opportunity to enjoy outdoor events. The designation signs should be mobile and can be easily placed at the corners of Lafayette and Marion Streets, Washington and Marion Streets, and Lafayette and Warren Streets during events.

D. Public Hearings:

- 1) **Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 44-2014**

Mr. Scharer introduced a proposed zoning map amendment to the Unified Development Ordinance (UDO) for 2204 Randolph Road. Utilizing a zoning map of the area, he pointed to the vacant property located on Randolph Road between Polkville Road and Washburn Switch Road. The majority of the property is currently zoned Light Industrial (LI) District while a smaller portion near the center of the property is zoned Residential 20 (R20) District. Mr. Scharer stated the applicant has requested the subject portion of the property be amended to the Light Industrial zoning so that the entire property has a uniform zoning.

Mayor Anthony opened the public hearing at 6:12 p.m. and invited comments from the public:

Mike Philbeck who resides at 1805 Arbor Way Drive in Shelby, North Carolina spoke in support of the zoning map amendment for 2204 Randolph Road. Mr. Philbeck stated he represents the purchasers of the property. He added this proposed zoning map amendment is consistent with the Washburn Switch Interchange Area Plan. Mr. Philbeck further stated both City staff and the Planning and Zoning Board recommended the zoning amendment as presented. He requested Council's favorable consideration.

Graham Adams who resides at 10018 Triple Oak Road in Charlotte, North Carolina spoke in support of the zoning map amendment and as one of the developers of the subject property. Mr. Adams stated the entire property is bounded as one property unit. The residential section sits within the boundary of the total site and the amendment will consolidate the property into one zoning piece.

Benny Smith who resides at 321 Whitaker Road in Shelby, North Carolina spoke in support of the zoning map amendment and as a representative of the seller of the property.

Brian Adams who resides at 2092 Euclid Avenue in Charlotte, North Carolina spoke in support of the zoning map amendment and as one of the developers of the subject property.

Mayor Anthony closed the public hearing at 6:14 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 44-2014 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

2) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 45-2014

Mr. Scharer introduced a proposed zoning text amendment to the UDO for off-premise advertising signs. He stated a joint committee made up of members of the Planning and Zoning Board and Keep Shelby Beautiful Commission have been reviewing the current sign regulation found in the UDO. Rather than a recommendation to prohibit these types of signs, the Planning and Zoning Board directed staff to develop a set of regulations that allow these signs while at the same time limits brightness and frequency of billboard change.

Mr. Scharer further stated staff provided the Planning and Zoning Board a proposal that divides billboards into three categories: Static, Digital, and Changing/Trivision. This proposal, based on Charlotte-Mecklenburg's sign ordinance, preserves the theme of the current City of Shelby billboard regulations while at the same time takes into account recommendations from the sign ordinance review committee and the Planning and Zoning Board.

Mayor Anthony opened the public hearing at 6:19 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:20 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 45-2014 entitled, “A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY”.

- 3) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 46-2014

Mr. Scharer introduced a proposed zoning text amendment to the UDO for rotating signs. He stated currently the City’s UDO expressly prohibits rotating signs. However, an application has been submitted to allow rotating signs. Staff considered the applicant’s request and crafted a proposal to fit the current sign regulations. The proposed ordinance allows for rotating signs to be treated as free standing signs with a maximum rotation rate of 6 RMP (Revolutions Per Minute).

Mr. Scharer concluded by stating the Planning and Zoning Board reviewed the proposal and wishes to recommend this proposed amendment.

Mayor Anthony opened the public hearing at 6:22 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:23 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Ordinance No. 46-2014 entitled, “A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY”.

E. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mrs. Patterson 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 November 3, 2014
- 2) Approval of Special Event Permit Applications:

- a. Uptown Holiday Carriage Rides, requested dates: November 28, December 5, December 12, and December 19, 2014
- b. Shelby Christmas Parade, requested date: December 14, 2014
- 3) Approval of a resolution honoring the life and memory of Robin Wade Hendrick: Resolution No. 57-2014
- 4) Approval of a resolution honoring Dane Heffner on the occasion of his retirement from employment with the City of Shelby: Resolution No. 58-2014
- 5) Approval of a resolution honoring Byron Keith Perkins on the occasion of his retirement from employment with the City of Shelby: Resolution No. 59-2014
- 6) Approval of a resolution supporting the North Carolina Department of Transportation's Division 12 State Transportation Improvement Plans submittal for pedestrian safety improvements to intersections in Uptown Shelby: Resolution No. 60-2014

END CONSENT AGENDA

F. Unfinished Business: None

G. New Business: None

H. City Manager's Report:

- 1) Mr. Howell mentioned the Street Intersection Analysis, which evaluates 15 City street intersections, is complete. The information will be forthcoming for Council's future action, including staff recommendations and costs.
- 2) Mr. Howell said the Transportation System Asset Management Plan is nearly complete and suggested it will be future topic for the Council retreat or a workshop session.
- 3) With regard to the Foothills Farmers Market City (Shade) Pavilion Project, Mr. Howell announced that Phase 2 has been approved by the US Department of Agriculture. The bidding process will begin shortly with a bid opening anticipated for mid-December 2014.
- 4) With regard to the gateway design concepts, a plan is being devised for two new gateways at the eastern and western points of the City. These conceptual designs will be presented to Council in early 2015.

- 5) With regard to economic development prospects, the Shell Building No. 2 at the Foothills Commerce Center and Cleveland County's Washburn Switch Business Park site continue to be shown to potential clients.
- 6) Mr. Howell updated Council with regard the North Carolina Department of Transportation Enhancement Project along the US 74 Bypass. He is awaiting the finalized landscaping plans for the planting which will take place in the spring of 2015.

I. Council Announcements and Remarks:

- 1) Mayor Anthony announced tickets are available for the Lighting at LeGrand and the Taste of Cleveland County events on November 20, 2014 beginning at 5:30 p.m. at the LeGrand Center.
- 2) Mrs. Patterson bid a fond farewell to Utilities Director Brad Cornwell as he leaves the City's employment for a new job with Cleveland County Water. She congratulated Mr. Cornwell and expressed her appreciation to him for an outstanding job, wishing him success and happiness. The Mayor and Council members joined Mrs. Patterson in expressing their sentiments to Mr. Cornwell.
- 3) Mr. White began a preliminary discussion concerning City employees, inquiring if a comparative study of salaries and benefits between Shelby and other cities was complete. Mr. Howell responded by stating that he and Director of Human Resources Deb Jolly reviewed market study data and found Shelby was, by varying percentages depending on position, behind in the marketplace. Staff made recommendations, to take effect over a three-year period, adjusting salaries upward while continuing to maintain some form of performance pay increases within the salary structure. Mr. Howell anticipated the first year of that adjustment will be the next fiscal year, if Council agrees to fund it. Mr. Howell explained the process is an expensive proposition which is why his recommendation is to complete it over a three-year period rather than a shorter timeframe. He reiterated in order to put the plan into action, substantial new and increased revenue is necessary. It will take a long-term funding commitment and involves tax and utility rate implications. Next the City's Stability Report was discussed with Mr. White stating 82 employees left employment between 2011 through 2013.

Discussion concluded with a consensus to continue the matter at Council's retreat or early in the budget process.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 6:39 p.m.

Respectfully submitted,

**Bernadette A. Parduski, NCCMC, MMC
City Clerk**

**O. Stanhope Anthony III
Mayor**

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