

MINUTES

Regular Meeting
City Hall Council Chamber

November 18, 2013
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Dennis C. Bailey, Joel R. Shores, Jr., and Dicky Amaya; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, NCCMC, MMC, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, 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 media representatives

Absent: Council Member Jeanette D. Patterson

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. Bailey led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

Mayor Anthony announced the following addition to the agenda:

- Consideration of a funding request from the Friends of the Parks for the 2013 Tennis Court and Golf Shop Capital Improvement Project under New Business as Item F-1

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

B. Public Comment: None

C. Public Hearings:

- 1) Consideration of an ordinance to update the City of Shelby Unified Development Ordinance (UDO) to include the City of Shelby Phase II Stormwater Ordinance: Ordinance No. 41-2013

Mr. Scharer reminded Council of Mr. Yarboro's presentation about the development and implementation of the Phase II requirements and the Stormwater Program on November 4, 2013. He stated the stormwater regulations are a type of Land Development Regulation and the proposed ordinance is considered a textual amendment to the UDO (Appendix A of the City's Code of Ordinances) and will be included under Chapter X, Environmental and Special Purpose Regulations. Therefore, a public hearing is required prior to amending the City's UDO.

Mr. Howell reiterated the City's approved Stormwater Permit requires Shelby to have a set of stormwater regulations adopted by December 1, 2013. He stated the Stormwater Permitting Unit of the North Carolina Department of Environment and Natural Resources has reviewed the proposed City of Shelby Phase II Stormwater Ordinance and found that it meets the minimum requirements of the NPDES (National Pollutant Discharge Elimination System) Phase II Program.

Mayor Anthony opened the public hearing at 6:06 p.m. and invited comments from the public:

William Allen Gray who resides at 802 Elmwood Drive in Shelby, North Carolina stated he has a stormwater problem at his private residence. Since the summer of 2012, Mr. Gray has attempted to bring attention to the amount of water which gathers from Aldersgate United Methodist Church, across Highway 74, on both sides of West Elm Street, and ultimately accumulates in his backyard. The standing water also causes a mosquito problem. Mr. Gray stated City staff has previously explained the City maintenance responsibility for storm drainage systems is restricted to structures and piping within street rights-of-way. Currently, Mr. Gray was aware the City has been in the process of completing repair work on a culvert under West Elm Street.

Mayor Anthony requested staff to investigate the matter further.

Mayor Anthony closed the public hearing at 6:10 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 41-2013 entitled, "AN ORDINANCE TO UPDATE THE CITY OF SHELBY UNIFIED DEVELOPMENT ORDINANCE (UDO) TO INCLUDE THE CITY OF SHELBY PHASE II STORMWATER ORDINANCE".

2) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 42-2013

Mr. Scharer introduced Ordinance No. 42-2013 and stated this year the North Carolina General Assembly passed several changes to the planning enabling legislation regarding Boards of Adjustment. The changes to North Carolina General Statute 160A-388 amount to procedural changes for voting and public notice concerning variances and conditional use permits issued by the Zoning Board of Adjustment.

Mr. Scharer concluded by stating the Planning and Zoning Board reviewed these amendments and recommended the ordinance as proposed.

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

The Mayor noted Mr. Gray signed up to speak but was absent from the meeting at the time of this public hearing.

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. 42-2013 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE CITY OF SHELBY".

D. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. White 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 4, 2013**
- 2) Approval of a resolution honoring Joel R. Shores, Jr. for his service to the City of Shelby: Resolution No. 69-2013**
- 3) Approval of a resolution honoring Christopher Hayes Mabry for his service to the City of Shelby: Resolution No. 70-2013**

END CONSENT AGENDA

E. Unfinished Business: None

F. New Business:**1) Consideration of a funding request from Friends of the Parks for the 2013 Tennis Court and Golf Shop Capital Improvement Project**

Linda Ware, President of the Friends of the Parks, began her presentation by inviting Mayor Anthony and Council to their second annual hot dog lunch and tree decorating festivities with the students from James Love School at the Shelby City Park Carrousel on December 4, 2013 at 11:30 a.m.

Mrs. Ware shared background information about a small group of interested citizens who met with City officials in 2010 to discuss the feasibility of forming a Friends group with the purpose of financially supporting Shelby Parks and Recreation programs and facilities outside of the normal operating budget of the City. She summarized several accomplishments of the Friends of the Parks outreach to date:

- Holly Oak Park breezeway renovation
- Scoreboards at the new Sports Complex and older fields
- Purchased batting tunnel located at new Sports Complex
- Suttle Plaza renovation
- Play It Again Program to accept donations of gently used sports equipment for distribution among youth sports participants
- Youth sports and program scholarships to cover registration costs, equipment, travel expenses, etc.

Next Mrs. Ware introduced Sally Royster, Vice President of the Friends of the Parks.

Mrs. Royster provided detailed information on the 2013 Tennis Court and Golf Shop Capital Improvement Project. She stated a group of private citizens and the Friends of the Parks have been working for several years to improve the tennis facilities and the golf shop at Shelby City Park. Over time, several options were investigated and after careful consideration, they devised a plan to resurface three tennis courts, add lights to encourage nighttime and league play, repair and repaint all fencing, and make cosmetic and structural repairs to the golf shop. With all of the venues at Shelby City Park, Mrs. Royster said the tennis courts and golf shop are easily in the most need for renovation and the group felt this was and is a priority project that will benefit each program as well as the entire park. The total project cost is \$67,904.00.

Mrs. Royster concluded by stating the Friends of the Parks have raised significant funds in the amount of \$29,737.00 toward the capital improvement project and is pleased that private individuals were willing to contribute their

own money to improve City Park assets. She requested \$38,167.00 in matching funds from the City to move forward and complete the proposed projects by the date of the Foothills Merry Go Round Festival which is April 26, 2014.

After expressing appreciation to the Friends of the Parks for their overall efforts, Council discussion followed which led to a consensus directing Mr. Howell to prepare a budget amendment providing the matching funds for the 2013 Tennis Court and Golf Shop Capital Improvement Project for their consideration.

G. City Manager's Report: None

H. Council Announcements and Remarks

- 1) Being their last Council meeting, Mayor Anthony recognized outgoing Council Members Chris Mabry and Joel Shores for their service to the City of Shelby.
- 2) Mr. Mabry commended the City's police, fire, and utility personnel who quickly responded to the emergency call of a blaze at Pleasant City Wood Fired Grille in Uptown Shelby on November 14, 2013.
- 3) Mr. Shores congratulated Chief Ledford and the Shelby Police Department for reducing crime in the City, which was documented in a very recent article by The Shelby Star. He took exception to the headline but remarked favorably on the positive storyline.

Mr. Howell added the Shelby Police Department is in the process of undergoing its fifth accreditation with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) as well as seeking a first-time public safety communications center accreditation. He said the City, as a whole, should be proud of its Police Department and its reaccreditation awards, which hold the agency to a higher standard in pursuit of professional excellence.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Shores, City Council voted unanimously to adjourn the meeting at 6:26 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of November 18, 2013