

MINUTES

Regular Meeting
City Hall Council Chamber

December 18, 2017
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, Violet Arth Dukes, Ben Kittrell, Jr., and 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 Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Fire Chief William P. Hunt, MPA, EFO, Assistant Fire Chief – Logistics and Enforcement Services Todd McMurry, Assistant Fire Chief – Operations and Personnel David Vanhoy, Director of Public Works Daniel C. (Danny) Darst, Jr., and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Absent: Council Member David Causby

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. Amaya, City Council voted unanimously to approve the agenda as presented.

B. Special Presentation:

- 1) Recognition of John Delano (J. D.) Kimble on the occasion of his retirement from employment with the City of Shelby: Resolution No. 70-2017

Mayor Anthony called upon John Delano (J. D.) Kimble. Mr. Kimble recognized his wife in attendance. The Mayor formally read and presented framed Resolution No. 70-2017 to Mr. Kimble. He then presented a shadow box, which displays the key to the City and various keepsakes, and a City

lapel pin to him in honor of and with heartfelt appreciation for more than 30 years of dedicated service to the City of Shelby Utilities Department in the Field Operations Division.

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

C. Public Comment: None

D. Public Hearings:

- 1) **Consideration of an ordinance designating a local historic landmark, Cleveland County Arts Council (former United States Post Office), Shelby, North Carolina: Ordinance No. 76-2017**

Mr. Scharer introduced Ordinance No. 76-2017 for Council's consideration. He explained that since 2005 the Cleveland County Historic Preservation Commission (CCHPC) has served as the Historic Preservation Commission for the City of Shelby through an inter-local agreement. The CCHPC is solely responsible for reviewing and designating historic landmark properties, having followed this process for several properties in Shelby. Mr. Scharer stated the Cleveland County Arts Council has submitted a Historic Landmark Designation Application for the Arts Council building to the CCHPC. The CCHPC has communicated to the City the applicable state and local ordinances governing local landmark designation have been complied with fully.

Mr. Scharer pointed out a landmark designation has two main consequences:

- **An owner who wishes to make changes to a property designated as a historic landmark must first have the plans reviewed and approved by the commission and by applying for a certificate of appropriateness.**
- **The owner of a designated landmark property may apply for an annual 50 percent property tax deferral for as long as the property's important historic features are retained.**

He explained at the current time the tax benefit is not applicable given the building is owned by the Cleveland County Arts Council, which is a non-profit 501(c)(3) corporation.

Mr. Howell noted the owner has fully cooperated for the designation and the CCHPC has certified to the City that the owner has been fully informed regarding the applicable statutory requirements.

Mayor Anthony opened the public hearing at 6:11 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:12 p.m.

Mrs. Arth Dukes disclosed she is an employee of the Cleveland County Arts Council.

Mr. Yelton advised that Mrs. Arth Dukes' employment does not constitute a conflict of interest in this matter.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Ordinance No. 76-2017 entitled, "AN ORDINANCE DESIGNATING A LOCAL HISTORIC LANDMARK – CLEVELAND COUNTY ARTS COUNCIL, 111 SOUTH WASHINGTON STREET, SHELBY, NORTH CAROLINA".

2) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 77-2017

Mr. Scharer introduced the proposed amendment to allow the use of permanent banners within the Central Business (CB) District. He stated the amendment also revises the current definition of banners and adds a new definition of permanent banners, along with new permanent banner standards.

Utilizing a presentation entitled, "Permanent Banner – Proposed Text Amendment", Mr. Scharer described permanent banners as a type of banner that is securely attached to a structure. The point of attachment for a permanent banner is typically a metallic bracket which connects a pole to the structure or building. The actual sign is then tightly wrapped and sewn around a pole at the top and bottom. This differentiates from typical banners which are temporary in nature. Mr. Scharer also provided examples for illustrative purposes.

Upon questioning, Mr. Scharer responded the Keep Shelby Beautiful (KSB) Commission did not review the proposed text amendment. There is no change to sign size in the CB zoning district. He added the Planning and Zoning Board has reviewed the proposal and recommended its approval as submitted.

Upon further questioning as to maximum distance from a building (projection) and calculated wind loads on banners, Mr. Scharer responded all

sign permits are considered building permits and subject to review by a City building inspector.

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 4 (White, Arth Dukes, Kittrell, and Amaya) to 1 (Hendrick) to approve and adopt Ordinance No. 77-2017 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE CITY OF SHELBY".

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of December 4, 2017
- 2) Approval of a Special Event Permit Application:
 - a. Dr. Martin Luther King Jr. March and Program, requested date: January 15, 2018
- 3) Adoption of an ordinance authorizing demolition of a dwelling (1016 Frederick Street): Ordinance No. 78-2017
- 4) Adoption of an ordinance authorizing demolition of a dwelling (506 Booker Street): Ordinance No. 79-2017
- 5) Approval of a resolution designating HomeTrust Bank an official depository: Resolution No. 76-2017
- 6) Approval of a resolution adopting and maintaining the Anti-displacement and Relocation Assistance Plan of the Community Development Block Grant (CDBG) Program for the City of Shelby: Resolution No. 77-2017
- 7) Shelby-Cleveland County Regional Airport North Carolina Division of Aviation VISION Grant Number 36237.16.14.1

- a. Approval of a resolution accepting and entering into an agreement with the North Carolina Department of Transportation to accept grant funding for the Shelby-Cleveland County Regional Airport Project No. 36237.16.14.1: Resolution No. 78-2017
 - b. Adoption of an ordinance establishing a capital project ordinance and budget for the City of Shelby's Airport Grant 36237.16.14.1 Project: Ordinance No. 80-2017
- 8) Approval of a resolution honoring Kathy Melton on the occasion of her retirement from employment with the City of Shelby: Resolution No. 79-2017
 - 9) Approval of a resolution honoring Geoffrey Lynn Heffner on the occasion of his retirement from employment with the City of Shelby: Resolution No. 80-2017
 - 10) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of a resolution awarding the bid for materials for the installation of an additional circuit in Electric Substation 11: Resolution No. 81-2017

Mr. Howell introduced Resolution No. 81-2017 for Council's consideration. If approved, this resolution would award a bid in the amount of \$57,830 to NTS/Siemens of Wendell, North Carolina for the provision of materials for this project. As a reminder, he stated in November 2017 Council approved a project budget ordinance to proceed with the design and construction of an additional circuit out of Substation 11. This circuit will serve customers from Substation 11 west to the Foothills Commerce Center. The current circuit that feeds the Foothills Commerce Center also feeds east into the City and the southwest portion of the system. The addition of this circuit will create load availability with the Foothills Commerce Center as well as reduce the potential outages in that area due to circumstances that would occur in the City.

Mr. Howell concluded by stating he recommended Council's approval for awarding the bid, noting the bid is for materials only.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 81-2017 entitled, “A RESOLUTION AWARDDING THE BID FOR MATERIALS FOR THE INSTALLATION OF AN ADDITIONAL CIRCUIT IN ELECTRIC SUBSTATION 11”.

- 2) Consideration of a resolution awarding the bid for Washburn Switch Road Gas Line Relocation, Farmville Road Loop, Farmville Access Road, and Clearwater Service Line Gas Installation: Resolution No. 82-2017

Mr. Howell introduced Resolution No. 82-2017 for Council’s consideration. If approved, this resolution would formally award the bid for new construction and relocation of natural gas line related to the Clearwater Paper Corporation’s infrastructure improvement project to Classic City Mechanical, Inc. of Winterville, Georgia in the amount of \$739,851.00. As a reminder, he stated in February 2017 Council approved the engineering project budget ordinance for the Farmville Road Natural Gas System Loop and Pressure Uprating Project. In addition, in March 2017 Council approved the construction project budget ordinance for the same project. This project involves installing a 6-inch steel gas line from Polkville Road along Chatfield Road and on Farmville Road, it also involves installing gas main along the to-be-constructed access road from Farmville Road to the Clearwater Paper Corporation site, and the service line to serve the Clearwater Paper Corporation facility. Mr. Howell noted this loop is necessary to ensure redundancy and volumes to serve the new facility as well as to protect the City’s existing natural gas customer base.

Additionally, the gas lines along Washburn Switch Road adjacent to Customer First Drive must be relocated due to a North Carolina Department of Transportation (NCDOT) roadway project in 2018.

Mayor Anthony mentioned a discrepancy in the lowest bid submitted as \$739,851.00 on the bid tabulation and as \$740,776.00 in the letter dated December 11, 2017 from the City’s consultant, Heath and Associates, Inc. Mr. Howell confirmed the lowest bid as \$739,851.00.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 82-2017 entitled, “A RESOLUTION AWARDDING THE BID FOR WASHBURN SWITCH ROAD GAS LINE RELOCATION, FARMVILLE ROAD LOOP, FARMVILLE ACCESS ROAD, AND CLEARWATER SERVICE LINE GAS INSTALLATION”.

- 3) Consideration of a resolution awarding the bid for relocation of gas lines at Joe’s Lake Road intersection: Resolution No. 83-2017

Mr. Howell introduced Resolution No. 83-2017 for Council's consideration. If approved, this resolution would formally award the bid for construction of natural gas line relocations directed by the North Carolina Department of Transportation (NCDOT) as a result of the construction of a roundabout at the intersection of Joe's Lake Road, Earl Road, and South Post Road to Classic City Mechanical, Inc. of Winterville, Georgia in the amount of \$171,401.00. As a reminder, he stated in November 2017 Council approved the project budget ordinance to proceed with the natural gas line relocation project at the Joe's Lake Road intersection. The gas lines must be relocated due to this NCDOT roadway project that will commence in 2018 and involves four City natural gas pipelines.

Mr. Howell further stated in accordance with the recent changes in the utility relocation statute, the City will share 25 percent of the total cost of this project with NCDOT covering the remaining 75 percent. This is a reimbursement process so the City will spend the money then apply for NCDOT reimbursement.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 83-2017 entitled, "A RESOLUTION AWARDED THE BID FOR RELOCATION OF GAS LINES AT JOE'S LAKE ROAD INTERSECTION".

G. New Business:

- 1) Consideration of an ordinance granting permission by the City Council of the City of Shelby, North Carolina to use the 10 percent/70 percent development option available in the City's Unified Development Ordinance (UDO): Ordinance No. 81-2017

Mr. Scharer introduced Ordinance No. 81-2017 for Council's consideration. If approved, the ordinance would allow the Cleveland Rutherford Kidney Association located at 1017 North Washington Street to develop a larger percentage of impervious surface than is currently permitted within the City's Watershed Overlay District. Under the 10 percent/70 percent rule, only City Council may specifically allow a development that will exceed the impervious surface limitations within the City's watershed.

Utilizing a location map, Mr. Scharer pointed to and stated the total watershed area is approximately 2,500 acres. Therefore, a total of approximately 250 acres may be developed using the 10 percent/70 percent development option. To date, approximately 15 acres have been developed in the Shelby Watershed Protection Area (WPA) using the 10 percent/70 percent option. Of the .334 acre site at 1017 North Washington Street, less

than 69 percent will be developed with impervious surface in accordance with the submitted site plan.

Next, Mr. Howell explained The Watershed Protection Overlay is in place because of the 1989 Watershed Protection Act adopted by the North Carolina General Assembly. The General Assembly recognized the importance of protecting water quality in those watersheds immediately upstream from public water system intakes. Protection of the water quality in this situation not only takes into consideration the public health aspect but also impacts the City's ability and cost to treat the raw water from the First Broad River. The more negative impact of development on water quality, the more difficult and expensive it is to treat to public drinking water standards.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 81-2017 entitled, "AN ORDINANCE GRANTING PERMISSION BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA TO USE THE 10 PERCENT/70 PERCENT DEVELOPMENT OPTION AVAILABLE IN THE CITY'S UNIFIED DEVELOPMENT ORDINANCE (UDO)".

H. City Manager's Report:

- 1) Mr. Howell provided an update regarding the temporary closure of Pine Street for stormwater system repairs on December 14, 2017. A detour has been established and repairs are anticipated to take approximately one week to complete, weather permitting.
- 2) Mr. Howell initiated a follow-up discussion regarding Council's retreat dates, format, and potential agenda items. By consensus, Council scheduled their retreat for Saturday, January 20, 2018, at 8:00 a.m. to be held at the Shelby Cleveland County Regional Airport.

I. Council Announcements and Remarks:

- 1) Mayor Anthony and Council members wished all a Merry Christmas.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 6:44 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of December 18, 2017