

## MINUTES

Regular Meeting  
City Hall Council Chamber

June 18, 2018  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth Dukes, Ben Kittrell, Jr., and Dicky Amaya; City Manager Rick Howell, ICMA-CM, 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 Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Bill Harrelson of Cleveland Community College and C19TV

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

As a point of clarification, Mayor Anthony explained as its first order of business at each meeting, the Council reviews the draft agenda, makes whatever revisions it deems appropriate, and adopts a formal agenda for the meeting. During the adoption process, the Council may add or subtract agenda items by majority vote of the members present and voting. The Mayor further stated the Council may designate an agenda item for discussion and possible action. The designation signifies that the Council intends to discuss the item and may, if it so chooses, take action on the item at a future meeting. Mayor Anthony reminded the public and Council members the procedure of the City Council is governed by the Suggested Rules of Procedure for a City Council, Fourth Edition, 2017 by Professor Trey Allen at the School of Government, University of North Carolina at Chapel Hill.

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

### B. Special Presentations:

**1) Uptown Shelby Association (USA) update – Audrey Whetten, Executive Director**

**First, Miss Whetten recognized USA board members, Spencer Borders and David Royster, in attendance, for their support of the organization.**

**Referring to her handout, Miss Whetten reported her quarterly update included topics of interest, highlights of ongoing projects, and events, both recent and upcoming.**

**Miss Whetten announced that Uptown Shelby Association has been accredited by the national Main Street America organization once again and has been for several years. She stated this prestigious designation is awarded yearly to organizations that demonstrate they are adhering to a rigorous list of best practices. Accreditation recognizes exemplary commitment to preservation-based economic development and community revitalization through the Main Street approach.**

**Miss Whetten also provided the USA Board’s newly adopted Plan of Work for 2018-2019. The information includes an overview and details of highlighted projects.**

**Miss Whetten mentioned she attended the recent Rail Trail Implementation Master Plan presentation and gained valuable, useful information from reading the Rail Trail Master Plan. She commented that the possibility of such a large, substantial rail trail in this community would create great opportunities for outdoor recreation as well as become a huge economic development driver in the region.**

**With regard to recent events, Miss Whetten said USA hosted its first business owner appreciation event and received positive feedback. These gatherings not only allow business owners to connect with information, resources, and each other but allow USA to provide its support and assistance.**

**With regard to the construction activities related to the Uptown Shelby improvements and the replacement of the City’s utilities and infrastructure, Miss Whetten said a poster has been distributed throughout the district providing a timeline for the duration of the various projects.**

**With regard to upcoming events, she stated the Second Saturday events and the Shelby Alive concert series continue to run through July and August 2018.**

**Council received the information. No action was required.**

**2) Tar Heel Leagues State Youth Softball Tournaments – Charlie Holtzclaw, Director of Parks and Recreation**

**Mr. Holtzclaw was pleased to announce Shelby City Park will host the 2018 Tar Heel Leagues Girls Fast Pitch Softball Tournaments beginning July 19 and running through July 22, 2018. These tournaments will feature four Shelby host teams and combine for a total of 48 girls' softball teams with over 800 players and coaches participating in the four-day event. The tournaments will consist of eight teams in the Tar Heel 15 and Under, eight teams in the Tar Heel 12 and Under, eight teams in Tar Heel 10 and Under, twelve teams in the Tar Heel 8 and Under Coach Pitch, and twelve teams in the Tar Heel 8 and Under Machine Pitch division.**

**In terms of economic development and travel tourism, Mr. Holtzclaw stated several hundred spectators are expected daily until the Sunday championship games. There will be a total of nearly 90 games played at both the Ball Field Complex and the Recreation and Sports Complex. The vast majority of these teams and families will be staying in the local motels. 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 extended his personal invitation to attend the opening ceremonies for all teams on July 19, 2018 at 2:00 p.m. at the City Park Recreation and Sports Complex.**

**Mr. Holtzclaw concluded by stating this tournament would not be possible without the seven City Park fields at the Recreation and Sports Complex and Ball Field Complex, which has delivered the City five State tournaments in the last six years.**

**Council received the information. No action was required.**

**C. Public Comment:**

**Mayor Anthony reviewed the City Council Public Comment Policy adopted in 2005. The Mayor noted comments are limited to three minutes per speaker. There is a maximum of three participants on the same subject. The time allotted for public comment is 15 minutes. He instructed Council if they choose to extend the time for public comment an additional 15 minutes for a maximum time limit of 30 minutes, it must be by a majority vote.**

**ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to extend the public comment period to 30 minutes at this meeting of June 18, 2018.**

Mayor Anthony began the public comment period at 6:20 p.m.

Mark Addington who resides at 108 North Thompson Street in Shelby, North Carolina spoke in support of an alternative use at Shelby City Park, suggesting a skateboard park, which can also hold events. Mr. Addington stated currently skateboarders are limited to street skating. This can cause safety issues and does not allow skaters to gain experience and advance to a professional level.

The Mayor recognized a group of local skateboarders in attendance.

Howard Liss who resides at 804 West Sumter Street in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park, suggesting a mountain bike park along with other new elements. Mr. Liss stated he and his partner, Johnson Kelly, are the owners of Bicycles of Shelby, who encourage recreational cycling as a means to a healthy lifestyle and organize community rides. He said currently there are no mountain biking trails in Shelby such as those located at the US National Whitewater Center. Mr. Liss believes the closing of the Royster Memorial Golf Course would allow for many opportunities at Shelby City Park which can become economic drivers for the region.

The Mayor recognized a group of local cyclists in attendance.

Jeff Hamilton who resides at 810 Brittain Drive in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park. Mr. Hamilton stated he is a golfer and it is his preferred recreational activity; however, where he plays golf is an option. Mr. Hamilton further stated he is a believer in re-purposing and urged Council to seek a great deal of input as to the proposed new elements. He reiterated Mr. Liss' comments, adding there are so many opportunities to serve the public good as a park and to benefit a larger mass of citizens.

David Royster who resides at 212 Fairway Drive in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mr. Royster was very disappointed in the City Council process used to close the golf course. He mentioned several items of concern: The City spent \$200,000 for several improvements two years ago and should have funded the remaining improvements to maintain the golf course at its optimum best; the Parks and Recreation Master Plan will be reconsidered by Council in 2019; two motions were made by Council: One defeated, one made to close the golf course without public notice and not with all Council members present; the City claims \$166,000 in annual savings when the golf course closes and yet no real idea of future costs due to lack of income from future uses; other

benefits include all City employees play without fees, it is the home course of Shelby Middle School and the Junior Golf Program, night golf and more tournaments, and the golf course is the fundraising mechanism for the Friends of the Parks. Mr. Royster said Council's decision comes into question as it seals the fate of many adults and children who cannot access or afford to play golf elsewhere. He requested Council reconsider its decision regarding the closure of Royster Memorial Golf Course.

Joshua Propst who resides at 232 Landry Drive in Kings Mountain, North Carolina spoke in support of alternative uses at Shelby City Park. He is the Executive Director of the Boys and Girls Clubs of Cleveland County and expressed his appreciation to the City of Shelby's Parks and Recreation Department for providing recreational opportunities for children. He encouraged City Council to continue to provide those recreational opportunities for those who are disadvantaged and/or with limited resources who need those outlets to stay active and healthy. Mr. Propst is very interested in mountain biking since the Boys and Girls Clubs are in the process of preparing a grant proposal for same, suggesting the possibility of connecting trails. He also mentioned an interest in a skateboard park and the continuation of golfing opportunities for youth.

Dale Guffey who resides at 807 Brittain Drive in Shelby, North Carolina spoke and questioned City Council's actions with regard to the motions to close the Royster Memorial Golf Course at their meetings of May 14, 2018 (with Public Comment) and June 4, 2018 (without Public Comment). Miss Guffey stated City Council's procedure may have been within the bounds of the letter of the law; however, the procedure completely violated the spirit of open transparency in municipal affairs. She said City Council might consider closing the carousel or the airport, adding profit is not the purpose of government and government is not a business. Miss Guffey further stated City Council is expected to be good stewards of tax dollars. It is charged with being stewards of the public good, public safety, and public welfare. She urged City Council to listen to citizens and to conduct its business in the sunlight and not in dark rooms.

Jennipher Harrill who resides at 13 Heritage Lane in Shelby, North Carolina spoke in support of a specific alternative use at Shelby City Park, suggesting a dog park. As an avid animal lover and Shelby pet business owner, Mrs. Harrill stated she was pleased to review the proposed Alternative Use Master Plan which includes the possibility of a dog park. Both she and her husband have been interested in building and opening a dog park for nearly nine years. There is community support among fellow dog lovers and animal enthusiasts in both the City and Cleveland County for this new element to be added at City Park if the golf course is closed.

**Bill McCarter** who resides at 107 Plantation Court in Shelby, North Carolina spoke in support of the Alternative Use Study and Master Plan. Mr. McCarter expressed his appreciation to Council for their action in previous meetings and their efforts to create alternative uses for City Park. He stated there are a great deal of opportunities that exist and the variety of uses listed on the Conceptual Master Plan would be great assets to the City. Mr. McCarter encouraged Council to continue their endeavors and offered his assistance.

**Cutler Ferchaud** who resides at 902 Elizabeth Road in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park. After being in the outdoor business for more than 40 years and living, traveling, and working all over the US, Europe, and the world, Mr. Ferchaud has returned to Shelby and has been impressed with its evolution. He stated in cities all over the US and the world, trail networks have been and continue to be developed for the purpose of accessibility in and around these cities. Mr. Ferchaud further stated that hiking and biking paths as well as rail trails are just as widespread in the world as evidenced by Google Maps. He mentioned the benefits of this connectivity are a resource for real estate, business, and reducing health care costs.

**Chuck Bryson** who resides at 143 Appian Way in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park. Mr. Bryson reiterated the previous comments related to the new elements proposed on the conceptual master plan. He added the plan offers many different opportunities and he was interested in the addition of an outdoor amphitheater for events; walking, running, and fitness areas; and picnic and family areas. Mr. Bryson agreed with the speakers who expressed this is the direction the City needs to take.

**Mayor Anthony** concluded the public comment period at 6:45 p.m.

#### **D. Public Hearing:**

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 34-2018**

**Mr. Scharer** introduced this proposed zoning map amendment for the property located at 502 Booker Street from Light Industrial (LI) District to Residential 6 (R6) District as submitted by the applicant, Don Kramer. Utilizing both location and zoning maps, he pointed to the subject property adjacent to a former textile mill. He stated the former mill is currently used for a variety of warehousing. Other land uses in the area include single-family dwellings, neighborhood commercial uses, and institutional uses.

Mr. Scharer further stated this house has been vacant since the previous owner passed away approximately six years ago. The current owner has possessed the property since December 2014. Single-family dwellings are not a permitted use in the LI Zoning District. The dwelling has previously been a non-conforming use; however, when a non-conforming use is vacant for more than 365 days the non-conforming use cannot be used again. Therefore, the owner has petitioned the City to rezone the property to R6 in order to renovate the structure.

Mr. Scharer added the Shelby Comprehensive Land Use Plan for this area designates the site as Mixed Use. A Mixed Use area is intended to concentrate a mix of commercial uses and higher density residential uses. He stated the proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommended approval of the proposed zoning map amendment for property located at 502 Booker Street.

Discussion followed about the possibility of Council's direction to consider rezoning the four remaining residential properties in the area.

Mayor Anthony opened the public hearing at 6:58 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:59 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 34-2018 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

**E. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mr. White 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 June 4, 2018
- 2) Approval of Special Event Permit Applications:
  - a. Mt. Calvary Baptist Church Community Explosion, requested date: July 21, 2018

- b. **Veterans Awareness Walk, requested date: August 15, 2018**
- 3) **Approval of a resolution approving for acceptance, maintenance, and ownership of the sewer extension improvements for James Love School Road (Owner: Jack Kennedy) sewer extension: Resolution No. 30-2018**
- 4) **Adoption of a budget ordinance amendment for the City of Shelby's Farmville Road Waterline Project and Westside Sewer Improvements Project and Influent Preliminary Treatment Upgrade Project and Farmville Road Gas Loop Upgrade Project: Ordinance No. 35-2018**
- 5) **Adoption of a budget ordinance amendment for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project: Ordinance No. 36-2018**
- 6) **Adoption of a budget ordinance amendment for the City of Shelby's Shelby-Cleveland County Regional Airport Land Acquisition and Easements Project: Ordinance No. 37-2018**
- 7) **Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council**

#### **END CONSENT AGENDA**

#### **F. Unfinished Business:**

- 1) **Consideration of appointments to City advisory boards and commissions:**
  - a. **Planning and Zoning Board**

**Mrs. Parduski reported the terms of five incumbents, Marlene Peeler, Rick Washburn, Mark Carter, and Extraterritorial Jurisdiction (ETJ) members, Bob Cabaniss and Emanuel Hunt, Jr. will conclude June 2018.**

**There is one application on file in the Clerk's Office: Juan Cherry.**

**There was discussion regarding the City Council's recommendations and Cleveland County Commissioners' appointment of ETJ members to this board.**

**Mr. Amaya nominated Marlene Peeler, Rick Washburn, Mark Carter, and Extraterritorial Jurisdiction (ETJ) members, Bob Cabaniss and Emanuel Hunt, Jr., for reappointment.**

**ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted**



unanimously to close the nominations and accept the nominees by acclamation.

**G. New Business:**

- 1) Consideration of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of a section of County Home Road: Resolution No. 29-2018

Mr. Howell introduced Resolution No. 29-2018 for Council's consideration. This resolution makes it known to the public that the City has received petitions for a road closure from property owners on both sides of a section of County Home Road located between the frontage road of US Highway 74 Bypass and Kings Road. Further, it is the City's intent to fully consider permanent closure of this road section. The resolution also sets forth a date and time of July 16, 2018 at 6:00 p.m. for a public hearing on this matter and to advertise said hearing once a week for four consecutive weeks prior to the hearing.

Next, Mr. Scharer utilized a location map and surveyor's plat to point to the site of the proposed road closure by adjacent property owners, Shelby Hospitality Group LLC, as developers of the Fairfield Inn & Suites, and State Employees' Credit Union. He noted County Home Road is a state roadway, therefore, after the public hearing is complete and Council approves the Order to close the road, the resolution will be sent to the North Carolina Department of Transportation for further consideration by the North Carolina Board of Transportation.

Discussion followed and included the implications of the closure of County Home Road involving accessibility and traffic safety issues. It was noted a Traffic Impact Analysis Study has been completed by the City.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 29-2018 entitled, "A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF A SECTION OF COUNTY HOME ROAD".

**H. City Manager's Report:**

- 1) Mr. Howell mentioned the City of Shelby received an \$80,000 grant from Cleveland County for recreational purposes which will be used to renovate the Holly Oak Park playground as an all-inclusive facility. The construction activities are scheduled to begin this summer.

- 2) Mr. Howell announced the City received a grant from the Carolina Thread Trail Program for the widening of the existing First Broad River Trail from the US Highway 74 Bridge to the current trail terminus. This construction to widen the southern section of the trail will take place in early July 2018.
- 3) With regard to Mafic USA LLC's offer to purchase 7.59 acres within the Foothills Commerce Center, Mr. Howell reported no qualifying bid was received after the initial public notice. Therefore, Mafic's offer is accepted and City staff is authorized to execute the documents necessary to convey the property to Mafic USA LLC.
- 4) Mr. Howell reported the Uptown Water and Sewer Project is proceeding and the work on Warren Street is nearing completion. Beginning the week of July 2, 2018, Lafayette Street will be closed between Warren Street and Marion Street. Once the construction equipment is moved to this section, Warren Street will reopen to traffic.

I. Council Announcements and Remarks:

- 1) Mayor Anthony reminded Council to monitor correspondence from the North Carolina League of Municipalities as the General Assembly moves along to conclude its short session by the end of June 2018. The legislature will use this time for bill filing and lawmaking and some could be objectionable to municipalities by forcing costs without funding sources.
- 2) Mr. Hendrick was excited to move forward with the City's Alternative Use Study and Master Plan for City Park.
- 3) Mr. White suggested the Uptown Shelby business owners should meet more often on either a bi-monthly or monthly basis.
- 4) Mr. Causby made a motion to delay the closure of the Royster Golf Course from November 1, 2018 to April 30, 2019, directing the City Manager to come back with specific plans for future use and that staff be directed to bring a resolution for Council's consideration on July 16, 2018. He also requested the City Manager to bring a budget amendment to cover the cost of that six-month extension.

Mayor Anthony reiterated the matter will be re-considered by Council on July 16, 2018.

Mr. Hendrick expressed his opposition to extending the closure of the golf course due to the continued expenses.

**J. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:11 p.m.

**Respectfully submitted,**

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

**O. Stanhope Anthony III  
Mayor**

**Minutes of June 18, 2018**