

MINUTES

Regular Meeting
City Hall Council Chamber

February 18, 2019
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, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, NC-CMC, IIMC-MMC, City Attorney Robert W. (Bob) Yelton, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, 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

Mayor Anthony called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and recognized Chair Susan Allen of the Cleveland County Board of Commissioners and Danny Blanton of the Cleveland County Board of Education. The Mayor gave the invocation and members of Boy Scout Troop 101 chartered through First Baptist Church led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. White requested the addition of Item B-2 under Special Presentations as follows:

- Presentation of a Proclamation celebrating 2019 as the Year of Music in the City of Shelby, North Carolina

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

B. Special Presentations:

1) Presentation of a Proclamation declaring 2019, the Year of the American Legion and the American Legion Auxiliary

Mayor Anthony called upon American Legion Post 82 Commander Jim Quinlan. The Mayor formally read and presented the Proclamation declaring

2019, the Year of the American Legion and the American Legion Auxiliary to Commander Quinlan, commending the veterans of Post 82 for their military service and work in the community. Commander Quinlan recognized the officers and the honorably discharged veterans of Post 82 in attendance.

2) Presentation of a Proclamation celebrating 2019 as the Year of Music in the City of Shelby, North Carolina

Mayor Anthony called upon Audrey Whetten and Susan Allen. The Mayor formally read and presented the Proclamation celebrating 2019 as the Year of Music in the City of Shelby, North Carolina to both.

Miss Whetten provided the background information which brought about Governor Roy Cooper's proclamation proclaiming 2019 as the "Year of Music" in North Carolina. The proclamation was prompted by the "Oxford American" magazine, which published its annual Southern music issue, featuring and exploring the history and legacy of North Carolina music. "Come Hear North Carolina" is a promotional campaign of the North Carolina Department of Natural and Cultural Resources and the North Carolina Arts Council. It has also been undertaken by a group of Shelby and Cleveland County partners coordinating an initiative to celebrate the musical heritage, both past and present, of this community and to promote the community as a music destination even beyond 2019.

Mrs. Allen added the local initiative is in its early stages of development and will be unveiled in the very near future, noting Governor Cooper has done his part to promote Shelby and Cleveland County in the "Come Hear North Carolina"/"Come Hear Shelby" effort.

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

Miss Whetten mentioned that she and a USA board member attended the recent City Council retreat, expressing her appreciation for the work the elected officials do on behalf of the community.

Referring to her handout, Miss Whetten reported her quarterly update included the following topics: News, on-going projects, and upcoming events.

Miss Whetten announced USA is accepting board member applications for the 2019-2022 term. Interested individuals can contact her directly to apply.

She also mentioned USA is finishing up with three major special projects:

- **Public art piece on South Washington Street which will tie into the City's Streetscaping Project**
- **Installing alley festival lights between Glow Salon and Dragonfly Wine Market on Warren Street for a sense of safety and ambiance**
- **Completed a promotional video for release**

With regard to on-going projects, Miss Whetten stated that USA is a partner in the "Come Hear North Carolina"/"Come Hear Shelby" project mentioned during the previous presentation.

With regard to upcoming events, Miss Whetten stated USA will partner with the Arts Council for a Spring Art Walk on April 25, 2019. USA will also partner with the Keep Shelby Beautiful Commission for Keep Shelby Beautiful Day on April 27, 2019.

Miss Whetten concluded her presentation by commending City staff for their dedication on the job and overall helpfulness.

Council received the information. No action was required.

- 4) City of Shelby 2018 Phase II Stormwater Annual Report Update – Ben Yarboro, Director of Engineering Services, and Tyler Brooks, Stormwater Technician**

Mr. Howell introduced the subject matter of the presentation, stating the intent is to promote public awareness. Each year City staff must produce an annual Phase II Stormwater Report for regulatory agencies and public information. This presentation is not meant to be all inclusive but rather an outline to highlight the year's activities.

Next, Mr. Yarboro reviewed the evolution of Shelby's Phase II Stormwater Program, beginning with its designation as a Phase II Stormwater community in 2010 to receiving its Phase II Stormwater Permit in 2012. As part of this permit, Council adopted the City of Shelby Phase II Stormwater Ordinance in November 2013, outlining the requirements of the Phase II Stormwater Permit. This was a 5-year permit. In 2017, Mr. Yarboro added the permit was renewed effective February 1, 2018, which included new requirements as well as updated definitions. He stated his presentation will summarize and highlight the 2018 Annual Report which is intended to document Shelby's accomplishments in implementing the National Pollution Discharge Elimination System (NPDES) Permit and Comprehensive Stormwater Management Plan to the State of North Carolina.

Mr. Yarboro began by reviewing and defining stormwater as when rain falls, it creates runoff from impervious surfaces. This runoff is referred to as

stormwater. As stormwater flows, it collects pollutants and stormwater runoff ends up in local streams, creeks, rivers, and lakes as untreated water.

Mr. Yarboro provided a state map of the NPDES Phase I/II Communities, Exempted Municipalities, and Tipped Counties with County-wide Post Construction. The legend depicted NPDES-exempt Phase II Municipalities and Extra-territorial jurisdictions (ETJs) as well as Phase II NPDES Entities. Shelby is designated as a NPDES Permitted Phase II MS4 (municipal separate storm sewer system).

Mr. Yarboro stated the Stormwater Program is composed of six management measures as defined in the NPDES Permit:

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Runoff/Control
- Post-construction Runoff Control
- Pollution Prevention/Good Housekeeping

Next, Mr. Brooks cited examples as follows:

GOAL 1 – Public Education and Outreach

The objective is to be a visible part of the community, promoting stormwater pollution prevention:

- Attended public events including 7th Inning Stretch Festival, Cleveland County Fair, etc.
- Distributed stormwater educational handouts, brochures, and posters at multiple public and private locations throughout the City
- Mailed bill inserts to the City's stormwater utility customers in March and October with a new insert in 2019
- Utilized the Enviroscape watershed model for school presentations and demonstrations
- Installed stormwater manhole covers to distinguish between the stormwater system and the sewer system and drain covers
- Designed a new stormwater logo

GOAL 2 – Public Involvement and Participation

- Established a stormwater hotline and e-mail address for citizens to get more information on stormwater and to report problems
- Partnered with Keep Shelby Beautiful Commission in seven litter

sweeps

- Assisted Cleveland County in the Annual Household Hazardous Waste Collection Day
- Organized the Hickory Creek Tributary Clean-up at Palmer Park
- Supported the Broad River Alliance in its Annual Sarah Sweep
- Supported the Rotary Club's First Broad River Clean-up at Zion Church Road to Twin Trestle Trailhead

GOAL 3 – Illicit Discharge Detection and Elimination

- The Phase II Stormwater Ordinance provides legal authority to restrict illegal discharges such as oil, grease, chemicals, pesticides, and garbage; illicit connections; and provides conditions for cleaning up and preventing spills.
- Staff continues to inspect and verify the stormwater system map, which provides a tool for investigating illicit discharges and connections.
- Staff inspected 292 major outfalls.
- Since 2015, staff has identified 50 possible illicit discharges, connections, or dumping. In 2018, three were identified. To date, 24 of 50 issues were either resolved or considered closed out and addressed through public education.

Mr. Brooks discussed the equipment utilized by staff to inspect stormwater infrastructure.

Mr. Yarboro discussed the following:

Goal 4 – Construction Site Runoff Control

- Construction site runoff controls or erosion controls are delegated to the NCDEQ.
- Developers are required to submit a copy of an approved NCDEQ permit prior to beginning site work.

Goal 5 – Post-construction Runoff Control

- Projects that disturb more than 1 acre
- Low density less than 24 percent built-upon area (BUA)
- High density greater than 24 percent BUA
- High density requirements must comply with NCDEQ Stormwater Design Manual
- The City has issued a total of 17 stormwater management permits: 11 high density permits, 5 low density permits, and 1 high/low density

permit

Goal 6 – Pollution Prevention/Good Housekeeping for Municipal Operations

- Two street sweepers collected 700 tons of debris in 2018
- Two leaf vacuum trucks are operated for most of the year and four during peak leaf season; 4,800 tons of leaves and yard waste were collected
- 100 structures (catch basins and pipes) were cleaned utilizing the City's jet vacuum truck

Lastly, Mr. Yarboro reviewed common infrastructure issues and provided examples of street flooding through a series of photographs. He discussed stormwater infrastructure projects totaling \$608,911 in 2018. The stormwater system improvements included the new 36-inch Sumter Street culvert and the Ridgeview Drive culvert replacement. The Stormwater Infrastructure Assistance Program, adopted by Council in February 2016, for residential pays 80 percent by the City and 20 percent by the homeowner and for commercial pays 50 percent by both City and property owner. A total of 19 applications have been received since 2016 with 8 projects complete, 10 in progress or pending, and 3 resolved or did not proceed. The City funded approximately \$100,000 of these repairs.

Council received the information and took no action.

C. Public Comment:

1) Danny Blanton of the Cleveland County Board of Education spoke in support of a resolution supporting local control of school calendars adopted by the Cleveland County Board of Education, specifically:

- To provide enough calendar flexibility to enable Cleveland County Schools to align their calendar with Cleveland Community College
- To provide enough calendar flexibility to enable Cleveland County Schools to complete the first semester before Christmas break
- To provide enough calendar flexibility for Cleveland County Schools to start school in time to complete the school year before Memorial Day

Mr. Blanton requested Council's full support of this resolution.

D. Public Hearings:

1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (2322 Kings Road Extension): Ordinance No. 12-2019

Mr. Scharer introduced this proposed zoning map amendment for the subject property located at 2322 Kings Road Extension from Residential 10 (R10) Zoning District to General Business 2 (GB2) Zoning District. Utilizing a map of the area, Mr. Scharer pointed to the .747 acre site which has a single-family dwelling and an accessory structure currently owned by Kimberly Hunt. The owner/applicant wishes to erect a machine shop on the property. Mr. Scharer stated other land uses in the area include single-family dwellings and various commercial uses. He further stated the Shelby Comprehensive Land Use Plan for this area designates the site as a Corridor Revitalization Area. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. He added the proposed zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan.

Mr. Scharer concluded by stating the Planning and Zoning Board recommended approval of the proposed zoning map amendment for the property located at 2322 Kings Road Extension from Residential 10 (R10) Zoning District to General Business 2 (GB2) Zoning District.

Mayor Anthony opened the public hearing at 6:40 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:41 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 12-2019 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (422 Carolina Avenue): Ordinance No. 13-2019

Mr. Scharer introduced this proposed zoning map amendment for the subject property located at 422 Carolina Avenue from Residential 6 (R6) Zoning District to Residential-Office (RO) Zoning District. Utilizing a map of the area, Mr. Scharer pointed to 14 parcels totaling approximately 3.16 acres currently owned by Mt. Calvary Baptist Church. Land uses on these parcels include the church, single-family dwellings, and associated parking for the church. The subject property has a large single-family dwelling and the applicant,

Holland & Hamrick Architects, on behalf of the owner, wishes to convert the single-family dwelling into a professional service office. Other land uses in the area include single-family dwellings and commercial uses.

Mr. Scharer stated the Shelby Comprehensive Land Use Plan for this area designates the site as a Neighborhood Revitalization Area. Neighborhood revitalization areas are older, declining neighborhoods that need stabilization. These areas are predominately residential with a mix of housing types and densities. To support revitalization efforts, some additional complementary uses such as parks, churches, schools, and other community services could be allowed. Mr. Scharer further stated staff recognizes churches are permitted uses in both R6 and RO.

He added the proposed zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan.

Mayor Anthony opened the public hearing at 6:42 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:43 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 13-2019 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 February 4, 2019
- 2) Approval of a resolution approving and accepting the revised City of Shelby Stormwater Quality Management Program: Resolution No. 16-2019
- 3) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 14-2019
- 4) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Marion Street, Peach Street, and Cherryville Road Electric Line Infrastructure Relocation Project: Ordinance No. 15-2019

- 5) **City of Shelby's South Washington Street Streetscape Improvement Project:**
 - a. **Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's South Washington Street Streetscape Improvement Project: Ordinance No. 16-2019**
 - b. **Approval of a resolution awarding the contract for the South Washington Street Streetscape Project: Resolution No. 17-2019**
- 6) **Approval of a resolution accepting the infrastructure constructed within the public right-of-way for Leadership Drive into the City of Shelby Street System: Resolution No. 18-2019**
- 7) **Approval of a resolution approving application to Watch For Me NC: Resolution No. 19-2019**
- 8) **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 approving a grading project by E. S. Wagner Co., LLC on City-owned property at 1655 McBrayer Springs Road: Resolution No. 20-2019**

Mr. Howell introduced Resolution No. 20-2019 for Council's consideration. As previously presented at Council recent retreat, he stated the City of Shelby owns approximately 81 acres of property located at 1655 McBrayer Springs Road. The southern portion of this property was recently developed by the City to establish Hanna Park. The northern portion of this property is currently undeveloped. The northern property line of this property adjoins the future US 74 Bypass right-of-way. The contractor for this section of the North Carolina Department of Transportation US 74 Bypass project (R-2707C) is E.S. Wagner Co., LLC. As the bypass is graded in this general area, there will be large amounts of excess soil generated. As the contractor was reviewing properties in the vicinity for potential sites to dispose of this soil, the City of Shelby was contacted regarding the possibility of a grading project at 1655 McBrayer Springs Road.

Mr. Howell added that E.S Wagner Co., LLC has prepared a proposal for a grading project that will be mutually beneficial to both the City of Shelby and

E.S. Wagner. This proposed project consists of placing approximately 335,000 cubic yards of soil within approximately 11 acres on the northern portion of the property at 1655 McBrayer Springs Road. E.S. Wagner was instructed that the plans shall result in the final graded area being suitable for future recreational fields. It is important to note that the City of Shelby will not incur any expenses related to the design, permitting, or construction associated with this project.

Both Mr. Howell and Mr. Yarboro determined the proposed grading plan to be beneficial to the City as it has been designed in a manner that will allow this area to be utilized for recreational purposes in the future and at a cost avoidance for taxpayers.

Mr. Howell recommended approval of the resolution approving and executing the plans and agreements for grading on a portion of 1655 McBrayer Springs Road by E. S. Wagner Co., LLC.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 20-2019 entitled, “A RESOLUTION APPROVING A GRADING PROJECT BY E. S. WAGNER CO., LLC ON CITY-OWNED PROPERTY AT 1655 MCBRAYER SPRINGS ROAD”.

G. New Business: None

H. City Manager’s Report:

- 1) Mr. Howell informed Council of the possibility of securing additional grant funding for the City from the North Carolina Division of Aviation for a third T-hangar project at Shelby-Cleveland County Regional Airport.
- 2) As mentioned at the Council retreat, Mr. Howell anticipates moving forward in late spring 2019 with the preliminary engineering and financial planning for City utility services along the new US Highway 74 Bypass interchanges at Washburn Switch Road, US Highway 226, NC Highway 18, and NC Highway 150. The project will formulate a plan for the City to provide these services in anticipation of future development and growth.
- 3) Mr. Howell and Chief Ledford announced that two officers, Evan Ledford and Nicholas Marlow, have received their assignment orders from the National Guard for deployment in the very near future.
- 4) Mr. Howell announced the Cleveland County Chamber is hosting the Shelby State of the Community Breakfast on March 21, 2019 at 7:30 a.m., Don Gibson Theatre.

I. Council Announcements and Remarks:**1) Mayor Anthony made the following announcements:**

- The American Legion Post 82 invited all to attend their Open House on March 17, 2019 from 2:00 p.m. to 5:00 p.m. at 1628 South Lafayette Street
- Save the date for Keep Shelby Beautiful Day scheduled for April 27, 2019 – details to follow

2) Mr. Amaya said he, his wife, and his visiting family members attended the Remembering Earl concert featuring Ronnie Milsap and Pam Tillis on February 16, 2019 and they thoroughly enjoyed the music, Uptown Shelby, and the post-show reception at the Earl Scruggs Center.

J. Closed Session:

1) To conduct the annual performance evaluation of the City Clerk pursuant to North Carolina General Statute 143.318.11 (a) (6)

ACTION TAKEN: Mr. Amaya made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 7:05 p.m.

Council returned to the regular session at 7:20 p.m.

K. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:21 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of February 18, 2019