

MINUTES

Regular Meeting
City Hall Council Chamber

June 17, 2019
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, 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 Parks and Recreation Charlie Holtzclaw, 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 Eric B. Hendrick

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. White 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) Mayor's presentation of *The Order of the Long Leaf Pine* to Debra Carlene Garris

Mayor Anthony called upon Debra Carlene Garris, who was conferred with *The Order of the Long Leaf Pine*. The Mayor stated it is among the most prestigious awards presented by the North Carolina Office of the Governor. On behalf of Governor Roy Cooper, Mayor Anthony formally read and presented the commendation to Officer Garris in recognition of her significant contributions to the State and the communities she served through exemplary service and exceptional accomplishments.

C. Public Comment:

- 1) Dr. Alden Sproull who resides at 2602 Pebble Creek Drive in Shelby, North Carolina spoke about two racial incidents he observed in Shelby since his arrival approximately three years ago. He wrote an article entitled, “Battling Racism in the 21st Century”, about these experiences which was published in the local newspaper. Dr. Sproull received responses to his article which caused him concern for his safety. In his opinion, there are divides among the culture in Shelby. He has a desire to be a significant part of raising these issues and finding solutions to bridge and lower those divides in this community.
- 2) Mae Hunt who resides at 524 April Drive in Shelby, North Carolina spoke about a variety of topics including but not limited to Holly Oak Park – the size of the entrance sign, the renovations at the old Center and the playground, a problem with the rest rooms during the 2019 Juneteenth Commemoration she organized; the unsewered neighborhoods of Washington Heights; and bringing Shelby back in order with love and unity.
- 3) Emanuel Hunt, Jr. who resides at 810B Pleasant Drive in Shelby, North Carolina was seeking a solution to an issue within the Extraterritorial Jurisdiction (ETJ). Mr. Hunt’s residence is located within the ETJ and he has a health hazard, which, in his opinion, requires an inspection. He questioned why does the ETJ exist and which government entity, the City of Shelby or Cleveland County, is responsible for citizen concerns or complaints.

Mayor Anthony suggested Mr. Hunt schedule an appointment with Mr. Howell to address his concerns.

D. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 42-2019

Mr. Scharer introduced the proposed zoning map amendment for the property located at 2324 Kings Road Extension. The applicant, Kelly Hendrick, is seeking General Business 2 (GB2) zoning.

Utilizing a location map, a zoning map, a local future land use map, and an area future land use map, Mr. Scharer pointed to the subject property which is currently zoned Residential 10 (R10) zoning district. The lot is approximately five acres in size and undeveloped. Land uses in the area

include single-family dwellings, commercial uses, and undeveloped lots. The Shelby Comprehensive Land Use Plan designates this area as Corridor Revitalization. Mr. Scharer stated the proposed zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan. He further stated the Planning and Zoning Board unanimously recommended approval of the proposed zoning map amendment for the property located at 2324 Kings Road Extension from Residential 10 (R10) zoning district to General Business 2 (GB2) zoning district.

Mayor Anthony opened the public hearing at 6:15 p.m. and invited comments from the public:

Amy Jones who resides at 410 Allen Street in Shelby, North Carolina spoke against the proposed zoning amendment and as a representative of her Allen Street neighbors. Mrs. Jones stated there would be adverse effects, including increased crime, increased traffic, noise pollution, lack of lighting, stormwater runoff, and reduced residential property values to her neighborhood if this zoning amendment is approved. She also expressed concerns about the property being secluded and currently not maintained.

Leann Johnson who resides at 412 Allen Street in Shelby, North Carolina spoke against the proposed zoning amendment, reiterating the comments of Amy Jones. Miss Johnson added her concerns including the lack of road frontage, traffic congestion adding to the response time of the fire station, the property's drop off, and the lack of exits since the property is landlocked.

Lisa Johnson who resides at 412 Allen Street in Shelby, North Carolina spoke against the proposed zoning amendment, reiterating the comments of her neighbor, Amy Jones, and her sister, Leann Johnson. Miss Johnson added her concerns about the safety of the elderly and the children in the neighborhood.

Kenneth Johnson who resides at 416 Allen Street in Shelby, North Carolina spoke against the proposed zoning amendment, expressing his concern about what type of business will be placed on the this property which is directly behind his property. Mr. Johnson stated this was and is a good neighborhood and he wishes it to continue to be a good place to live.

Kelly Hendrick who resides at 146 Brook Road in Kings Mountain, North Carolina spoke in support of his application and the request for a zoning map amendment of 2324 Kings Road Extension. Mr. Hendrick stated there no plans to develop the property at this time. The decision to rezone was based on the surrounding properties which were rezoned as General Business 2 (GB2) for future development. He stated the Hendricks will work with the community and keep the property maintained.

Mayor Anthony closed the public hearing at 6:23 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted 3 (White, Webber, and Amaya) to 2 (Causby and Arth Dukes) to approve and adopt Ordinance No. 42-2019 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA”.

Mr. Howell advised Council in order to be adopted on the day it is introduced, an ordinance must be approved by a vote of at least two-thirds of the actual Council membership. Council passed the ordinance but not by a two-thirds majority. Therefore, this ordinance is neither adopted nor defeated. It needs only the approval of a simple majority at a later meeting (July 15, 2019) to be adopted, which will be its second reading.

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 3, 2019
- 2) Approval of Special Event Permit Applications:
 - a. The Salvation Army March of Witness, requested date: June 30, 2019
 - b. Shining in Shelby, requested dates: May 8-10, 2020
- 3) Approval of a resolution authorizing selection of W. K. Dickson & Co., Inc. based on qualifications for engineering and planning services at the Shelby-Cleveland County Regional Airport: Resolution No. 41-2019
- 4) Approval of a resolution awarding the bid for reconductoring of electric lines in Gidney Street area: Resolution No. 42-2019
- 5) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 43-2019
- 6) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

END CONSENT AGENDA

F. Unfinished Business:**1) City of Shelby's Uptown Streetscape and Pedestrian Improvements Project**

Mr. Howell introduced Ordinance No. 44-2019, Resolution No. 43-2019, and Resolution No. 44-2019 for Council's consideration.

Next, Mr. Yarboro provided an overview of the entire Uptown Streetscape Project which began in 2018 with critical infrastructure improvements and replacement in several phases, including electric, water, and sewer utilities. The fourth and final phase (August 2019), the Uptown Shelby Streetscape Project, includes the construction plans and specifications for streetscaping with grading, drainage, paving, signal upgrades, and pedestrian bulb-outs, and ultimately the resurfacing of those roads.

Mr. Yarboro reminded Council the Uptown Streetscape and Pedestrian Improvement Project was designed following a thorough public involvement and planning phase (2015 – 2016) with the goals of improving the safety of pedestrians, bicyclists, and vehicles while improving aesthetics. A rendering from the design process dated November 2017 shows a sample of an intersection around the Court Square. This streetscape project will include work on the four intersections around the Court Square – on Lafayette Street from Graham Street to Sumter Street, and on Marion Street from Dekalb Street to Morgan Street.

Mr. Yarboro described the final scope of work includes, but is not limited to, the following elements:

- Mast arm traffic signals with pedestrian heads
- Lane reconfigurations – four lanes to three lanes on Lafayette Street from Sumter Street to Graham Street and Marion Street from Dekalb Street to Morgan Street
- Curb extensions with brick pavers
- Enhanced ADA compliant concrete crosswalks
- Drainage improvements
- Concrete sidewalk repairs
- Seating walls
- Landscaping and hardscaping
- Signage
- Resurfacing

To conclude, Mr. Yarboro stated coordination and communication is a high priority and focus of this project. The goal is to provide the right information

at the right time in order to keep citizens and businesses informed of the progress and the upcoming work, acknowledging the cooperation and support of Uptown Shelby Association and the North Carolina Department of Transportation for the City's project.

- a. Consideration of a budget ordinance amendment for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project: Ordinance No. 44-2019

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 44-2019 entitled, "A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S UPTOWN STREETScape AND PEDESTRIAN IMPROVEMENTS PROJECT".

- b. Consideration of a resolution tentatively awarding the contract for the Uptown Shelby Streetscape Project: Resolution No. 43-2019

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 43-2019 entitled, "A RESOLUTION TENTATIVELY AWARding THE CONTRACT FOR THE UPTOWN SHELBY STREETScape PROJECT".

- c. Consideration of a resolution authorizing selection of TGS Engineers, Inc. based on qualifications for construction engineering and inspection services for the Uptown Shelby Streetscape Project: Resolution No. 44-2019

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 44-2019 entitled, "A RESOLUTION AUTHORIZING SELECTION OF TGS ENGINEERS, INC. BASED ON QUALIFICATIONS FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE UPTOWN SHELBY STREETScape PROJECT".

G. New Business:

- 1) Consideration of a resolution authorizing a comprehensive Parks and Recreation Master Plan: Resolution No. 45-2019

Mr. Howell introduced Resolution No. 45-2019 for Council's consideration. The resolution would authorize management to proceed with the development of an updated comprehensive Parks and Recreation Master Plan. He stated a significant amount of recreational improvements have been made since the last time the Plan was updated and this needs to be reflected in any new Plan. It is also important that as time has passed so

have the needs of the community changed and it is appropriate to solicit feedback from citizens at this juncture.

Mr. Howell discussed several key reasons as to why this plan is necessary, including:

- Eleven years have passed since the current Master Plan was implemented. During that time citizens have expressed a desire to continue building on Shelby's parks and recreation tradition with new and different activities. Going through the process and having a comprehensive Master Plan is important in getting public input and new strategic planning for the future. A Parks and Recreation Master Plan Steering Committee will be established and serve until the Parks and Recreation Master Plan is formally presented to Council.
- It is important and critical to have an updated Master Plan less than five years old in order to secure grants from the Parks and Recreation Trust Fund (PARTF) and other agencies.
- Any future borrowing for parks and recreation capital projects would need to have a sound Capital Improvement Program (CIP) since a funding institution will take this into consideration.

Mr. Howell recommended the initiation of an updated comprehensive Parks and Recreation Master Plan be approved.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 45-2019 entitled, "A RESOLUTION AUTHORIZING A COMPREHENSIVE PARKS AND RECREATION MASTER PLAN".

H. City Manager's Report:

- 1) Mr. Howell reminded Council of his report dated June 10, 2019 which provided an update on a number of significant City projects and issues of importance. He encouraged their comments and questions.
- 2) Mr. Yarboro reported the Shelby-Cleveland County Regional Airport held its annual Fly-in and Open House on June 15, 2019 with a great turnout and 75 aircraft on display. The attendance was estimated at 1,200.

With regard to the T-Hangar Project, Mr. Yarboro stated a progress meeting was held today, June 17, 2019. The project is on schedule with completion anticipated in November 2019.

I. Council Announcements and Remarks:

- 1) Mayor Anthony also mentioned the Fly-in and Open House at the Shelby-Cleveland County Regional Airport was a successful event with a great turnout.
- 2) Mrs. Arth Dukes wished all the fathers a belated Happy Father's Day.
- 3) Mr. Amaya mentioned the Taste of Cleveland County, which was sponsored by the Cleveland County Chamber and held on June 13, 2019 at City Pavilion, was a well done and well attended event.
- 4) Mr. Webber expressed his appreciation to City Manager Rick Howell for the recent tour of the Washburn Switch Road area. He was impressed by the development and commended City staff as well as current and former City Councils for the progress.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:49 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of June 17, 2019