

MINUTES

Regular Meeting
City Hall Council Chamber

February 17, 2020
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 Andrew Hopper, Sr.; City Manager Rick Howell, ICMA-CM, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Assistant Director of Finance Elizabeth B. (Beth) Beam, CPA, 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, Battalion Chief Matt Williams, Director of Planning Services and Development Services Walter Scharer, AICP, Public Information and Communications Officer Chip Nuhrah, 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. 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

At the request of Mr. Howell, Mayor Anthony proposed the addition of Item E-2 under Unfinished Business as follows:

- Consideration of a resolution approving the conveyance of property to another unit of government in North Carolina pursuant to General Statute 160A-274: Resolution No. 6-2020

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

B. Public Comment:

- 1) Lawrence Henson who resides at 205 John E. Randall Road in Shelby, North Carolina and who represents the Neighborhood Revitalization Committee spoke against the recent demolition of 600 Calvary Street by the City of Shelby for non-compliance with housing standards. Mr.

Henson demanded \$24,995.00 as reimbursement for the loss of the home on that property. He stated he will then deed the property over to the City.

C. Public Hearings:

1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 4-2020

Mr. Scharer introduced the proposed zoning map amendment for property located at 1820 and 1830 East Marion Street from General Business (GB) and General Business Conditional Use (GB-CU) Zoning District to General Business 2 (GB2) Zoning District. The 5.9 total acre lots are currently undeveloped. The site at 1820 East Marion Street was the location of the former Pet Dairy and the building was demolished by the owner, Cleveland Community College. Mr. Scharer stated the requested zoning map amendment is for the lot on Kings Road Extension and 1830 East Marion Street. The Conditional Use District was assigned to this property at 1830 East Marion Street in the 1990s first for "Retail" and then later amended to include "Office Space". However, the site was never developed and the conditional use for this property was never established. It was recently purchased by Cleveland Community College. The owner is seeking General Business zoning and the College intends to expand its Lineman Training Program on this site.

Mr. Scharer further stated after much deliberation and discussion by the Planning and Zoning Board, the Board recommended a zoning map amendment at 1820 and 1830 East Marion Street from General Business (GB) and General Business-Conditional Use (GB-CU) to General Business 2 (GB2). Mr. Scharer added the Planning and Zoning Board made this recommendation on the basis of GB2 being a better fit for the local area.

Mayor Anthony opened the public hearing at 6:08 p.m. and invited comments from the public.

The public offered no comments. Mayor Anthony closed the public hearing at 6:09 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 4-2020 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

2) Consideration of a proposed ordinance designating a local historic landmark for the Campbell Building: Ordinance No. 5-2020

Mr. Scharer introduced Ordinance No. 5-2020 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 Cliff and Angela Franklin have submitted a Landmark Designation Application for the Campbell Building in Uptown Shelby to the CCHPC. Based on the inter-local agreement, City Council must hold a public hearing prior to adopting any ordinance designating a historic landmark property.

Mr. Scharer explained the criteria for designating a landmark building which should include at least one of the following criteria:

- **It is associated with events that have contributed significantly to the City’s history.**
- **It is associated with the life of a person significant to the City’s history.**
- **It embodies the distinctive characteristics of a type, period, or method of construction.**
- **It represents the work of a master or possesses high artistic values.**
- **It has yielded or is likely to yield important historical or prehistorical information.**

Mr. Scharer stated the Campbell Building meets the requirements of two of these criteria, for its association with events that have contributed significantly to the commercial and economic development and history of Shelby, and for its embodiment of the distinctive characteristics of a type, period, or method of construction, as one of only three former department store buildings to retain a high degree of architectural integrity.

Mr. Scharer concluded by stating the Historic Preservation Commission recommended approval of this Historic Landmark Application. City staff also recommended approval of this application based upon the findings of the Local Historic Landmark Designation Report and the State Historic Preservation Office staff report, and based on the Campbell Building’s special significance in retaining its architectural integrity necessary for individual landmark designation.

Lastly, Mr. Scharer added the elements of the interior proposed for landmark designation include the tin ceilings, the mezzanine, and the grand central staircase.

Mayor Anthony opened the public hearing at 6:14 p.m. and invited comments from the public:

Duncan Blount who resides at 202 West Zion Church Road in Shelby, North Carolina spoke in support of the proposed landmark designation for the Campbell Building at 112 North Lafayette Street in Uptown Shelby.

Mayor Anthony closed the public hearing at 6:16 p.m.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Ordinance No. 5-2020 entitled, “A PROPOSED ORDINANCE DESIGNATING A LOCAL HISTORIC LANDMARK FOR THE CAMPBELL BUILDING”.

D. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Hopper 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 January 6, 2020
- 2) Approval of the Minutes of the Special Meeting of February 1, 2020
- 3) Adoption of an ordinance authorizing demolition of a dwelling (401 Mint Street): Ordinance No. 6-2020
- 4) Adoption of an ordinance authorizing demolition of a dwelling (414 Washburn Switch Road): Ordinance No. 7-2020
- 5) Adoption of an ordinance authorizing demolition of a dwelling (306 Buffalo Street): Ordinance No. 8-2020
- 6) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 11: Ordinance No. 9-2020
- 7) Approval of a resolution honoring Michael Robert Mull on the occasion of his retirement from employment with the City of Shelby: Resolution No. 3-2020
- 8) 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 Grant No. 36244.23.14.1: Resolution No. 4-2020

- 9) Approval of a resolution approving the contract for the performance of the City of Shelby's annual audit and preparation of financial statements for the Fiscal Year ended June 30, 2020: Resolution No. 5-2020

END CONSENT AGENDA

E. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:

a. Keep Shelby Beautiful Commission

Mrs. Parduski reported the terms of five incumbents, Linda Bridges, Stevie Brooks, Charles Hamrick, Laurie Hendrick, and Modestenia Bush, concluded January 2020. Four incumbents are seeking reappointment to this board: Linda Bridges, Charles Hamrick, Laurie Hendrick, and Modestenia Bush. Stevie Brooks wishes to conclude her service, creating a vacancy.

There are two applications on file in the Clerk's Office:

- Christopher Carter
- Cheryl Yates

Mrs. Arth Dukes nominated Linda Bridges, Charles Hamrick, Laurie Hendrick, Modestenia Bush, and Christopher Carter.

Mr. Causby nominated Linda, Bridges, Charles Hamrick, Laurie Hendrick, Modestenia Bush, and Cheryl Yates.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to close the nominations and accept the nominees (the incumbents for reappointment), Linda Bridges, Charles Hamrick, Laurie Hendrick, and Modestenia Bush by acclamation.

Council cast the following votes:

Christopher Carter received three (3) affirmative votes (Hendrick, Arth Dukes, and Hopper).

Cheryl Yates received three (3) affirmative votes (White, Causby, and Webber).

In order to break the previous tie vote, Council voted unanimously to appoint Christopher Carter.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to accept the nominee, Christopher Carter, by acclamation.

b. Shelby-Cleveland County Regional Airport Advisory Board

Mrs. Parduski reported the terms of two incumbents, Jim Robinson and Dr. Stephen Jones, conclude February 2020. Mr. Robinson and Dr. Jones are both seeking reappointment to this board. There is also a vacancy due to the recent passing of incumbent, Dennis Sessom.

There are three applications on file in the Clerk's Office:

- Dicky Amaya
- Richard Baker, Jr.
- Robert Farrow

Mrs. Arth Dukes nominated Jim Robinson and Dr. Jones for reappointment and Dicky Amaya for appointment.

Mr. Hopper nominated Robert Farrow for appointment.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to close the nominations and accept the nominees (the incumbents for reappointment), Jim Robinson and Dr. Jones, by acclamation.

Council cast the following votes:

Dicky Amaya received four (4) affirmative votes (Hendrick, White, Causby, and Arth Dukes).

Robert Farrow received two (2) affirmative votes (Webber and Hopper).

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to close the nominations and accept the nominee, Dicky Amaya, by acclamation.

- 2) Consideration of a resolution approving the conveyance of property to another unit of government in North Carolina pursuant to General Statute 160A-274: Resolution No. 6-2020

Mr. Howell introduced Resolution No. 6-2020 for Council's consideration. He stated Cleveland County previously owned and conveyed the property described as Parcel No. 58557 located between Washburn Switch Road and Plato Lee Road to the City of Shelby in September 2019. The suggested use of the property is to build a shell building for development purposes. As with

previous shell building partnerships, this is a full 50/50 split with the County. The City of Shelby will be acting as the project manager. Conversely, Cleveland County has agreed to act as developer and borrow the money over five years in order to finance the current project. In order to proceed with the financing, the property must be deeded back to Cleveland County. Mr. Howell stated the City will pay its proportion of the debt service with funds received from the sale of Shell Building No. 2.

Mr. Howell recommended the property deed for Parcel No. 58557 be transferred from the City of Shelby to Cleveland County.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 6-2020 entitled, “A RESOLUTION APPROVING THE CONVEYANCE OF PROPERTY TO ANOTHER UNIT OF GOVERNMENT IN NORTH CAROLINA PURSUANT TO GENERAL STATUTE 160A-274”.

G. New Business: None

H. City Manager’s Report:

- 1) After the recent rain event of February 6, 2020, Mr. Howell stated the storm easily met the 100-year storm threshold based on observed water levels. City staff is assessing damages and issues to be addressed while developing storm damage estimates. The appropriate insurance claims will be filed. With regard to the First Broad River Trail, the trail will remain closed indefinitely. The suspension bridge is down and one of the wooden bridges is gone and one is damaged. Much of the trail has six to eight inches of sand. The original trail contractors are assessing the damage and the City is waiting for cost estimates to make those repairs. Council will receive this information for consideration in the form of a budget ordinance amendment sometime in the future.
- 2) Mr. Howell reminded Council the last public meeting for the proposed Shelby Parks and Recreation Master Plan will be held on February 25, 2020 with a preview of the plan for officials from 4:00 p.m. to 5:00 p.m. and a drop-in from 5:00 p.m. to 7:00 p.m. at Shelby City Park.
- 3) Mr. Howell reported bids were received for the Shell Building No. 3 Project on February 11, 2020. A complete bid tabulation and certification by WHN Architects will be forthcoming with the apparent low bidder being Hickory Construction. The bid tab and recommendation will be presented to Council at an upcoming meeting for consideration and award.
- 4) With regard to the US Department of Transportation BUILD (Better

Utilizing Investments to Leverage Development Transportation Discretionary) Grants Program, Mr. Howell stated the City is seeking funding to build a rail trail within the recently purchased rail corridor. The City of Hickory was successfully awarded \$17 million for a \$22 million project with this same grant program. This is a very competitive grant program for both urban and rural communities. Mr. Howell informed Council the City must leverage its political support and lobby for additional financial assistance both on the state and federal levels, having met with State Senator Tillis' representative and a future meeting with Representative Virginia Foxx and/or her staff as well.

I. Council Announcements and Remarks:

- 1) Mayor Anthony recognized North Carolina State Senator Ted Alexander and former Mayor in attendance.
- 2) As Council liaison to the Shelby-Cleveland County Regional Airport Advisory Commission, Mr. Hopper stated he hopes Robert Farrow will receive favorable consideration in the future as a potential member of this board. Mr. Farrow has extensive air traffic controller experience, both naval and with the Department of Defense.
- 3) Mrs. Arth Dukes wished all a happy President's Day.
- 4) Mayor Anthony announced a Town Hall meeting sponsored by State House Speaker Tim Moore will be held on February 18, 2020 at 3:00 p.m. at the Cleveland County Commissioners' Chambers in the Cleveland County Administrative Building. Speaker Moore is seeking input from local residents, businesses, first-responders, transportation officials, and local leaders on a plan to reconnect Airport Road with a bridge over the new US 74 Bypass.

K. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to adjourn the meeting at 6:41 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of February 17, 2020