

MINUTES

Regular Meeting – Electronic Meeting, Conference call-in
City Hall and Don Gibson Theatre

April 20, 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, MPA, ICMA-CM, City Clerk Bernadette A. Parduski, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Walter (Walt) Scharer, AICP; Stan Lowery, Executive Director, Don Gibson Theatre

Mayor Anthony called the meeting to order at 6:17 p.m. and certified a quorum was present. It was noted a conference call location for public access to the meeting was established at the Don Gibson Theatre and monitored by Mr. Lowery. A maximum of 10 persons would be allowed to attend.

The Mayor called for a moment of silence to reflect on all those in our community, our country, and around the world who are dealing with the COVID-19 pandemic including, the first responders, the medical community, essential personnel, and our own local staff.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentations:

- 1) Shelby on the Move Recreation Master Plan and Shelby Depot Park Master Plan – Tim Johnson, Senior Planner, Destination by Design (DbD)

Mr. Howell introduced the subject matter of both presentations and the City's consultant, Tim Johnson, as the Senior Planner with Destination by Design (DbD). He stated Mr. Johnson's review of the master plans and the City's process in developing them fulfills a requirement of the North Carolina Parks and Recreation Trust Fund (PARTF) Grant Program.

Next, Mr. Holtzclaw further stated after several months of committee meetings and public meetings, the consulting firm of Destination by Design (DbD) has completed its final recommendations for the Shelby Parks and Recreation Comprehensive Master Plan and the Depot Park Site Master Plan.

Following Mr. Johnson's presentations, he requested and recommended Council's favorable consideration regarding the adoption of resolutions for the 2020 Shelby on the Move Recreation Master Plan, the 2020 Shelby Depot Park Master Plan, and the PARTF grant application.

Mr. Johnson shared the recommendations prepared by the consultant team, emphasizing the City of Shelby Parks and Recreation Comprehensive Master Plan serves as a road map for public recreation and recreational infrastructure development in the City. He explained the scope of their work which included:

- A citywide Recreation Master Plan
- A site-specific Master Plan
- Meeting PARTF planning standards in both plans
- Assistance with the PARTF grant application

In addition, Mr. Johnson explained the 2020 Shelby on the Move Comprehensive Parks and Recreation Master Plan serves as a guide for park and recreation facility development and ensures grant competitiveness by adhering to planning guidelines set forth by the NC PARTF. The plan considers past planning efforts, existing recreational assets, community recreation preferences, and public input to guide recommendations for future facility enhancements and development. Plan recommendations focus on capital infrastructure development and connectivity between existing and new parks.

Mr. Johnson stated extensive public engagement efforts were made throughout the planning process. An engaged and informed steering committee, social media promotion, public outreach video, project website, digital survey, and multiple neighborhood workshops helped ensure the public's voice was heard.

The consultant team conducted two meetings with a project steering committee comprised of a diverse group of stakeholders. The steering committee provided the consultant team and staff with initial plan direction and then provided a thoughtful critique of preliminary design concepts prior to public workshops.

Focus group meetings were held with three stakeholder groups: Shelby Parks and Recreation Department staff members, City of Shelby Department Directors, and the Shelby Parks and Recreation Advisory Board.

Focus group meetings obtained the following key takeaways:

- Renovation of existing aquatic facilities and addition of a splash pad should be high priority.

- Renovation and addition of picnic shelters and bathrooms is needed at all parks.
- Parking should be expanded at parks with existing recreational facilities.
- Sidewalk connectivity within parks and greenway connectivity between parks is a priority.

The consultant team conducted three neighborhood workshops in November 2019 at Shelby City Park, Holly Oak Park, and Marion Elementary School. The workshops were advertised in the local newspaper, online, and through flyers posted throughout the City.

Some of the top amenities that were requested included:

- Splash pad
- Shade structures at playgrounds
- Pickleball courts
- Dog park
- Picnic shelters
- Restrooms
- Playgrounds
- Greenways and trails

More than 100 citizens attended the public meeting on February 25, 2020 to learn about and provide comments on recommended facility renovations, improvements, and new facilities at five specific parks including Holly Oak, Optimist, Palmer, Depot, and City Park.

The meeting provided an opportunity for citizens to vote on their top priorities at each park and architectural style preferences for the shelters, playground, and splash pad planned for Depot Park.

Based on extensive public engagement and input from local leaders, the Shelby on the Move Project Steering Committee developed the following vision statement for the Shelby Recreation Master Plan:

Parks and recreation development efforts will focus primarily on the improvement and connectivity of existing facilities, capitalizing on decades of investment in recreation infrastructure and park land.

The user experience will be elevated through strategic park improvements, upgraded facilities, and new amenities within the existing parks system.

Utilizing the new Shelby Rail Trail as its “spine”, a multi-use greenway system will provide connectivity among city parks, neighborhoods, schools, and commercial centers.

Mr. Johnson stated Depot Park is proposed in Uptown Shelby at the site of the old railroad depot property located within the Rail Trail corridor between West Graham Street and Gardner Street. Within the Phase 1 implementation area is the old Norfolk Southern train depot, which is comprised of approximately four acres. This park will ultimately serve as a hub for trail users and catalyst for further downtown revitalization. Depot Park includes 13 key recommendations that focus on new park facilities. Community preferences include a classic Shelby architectural style, nature-inspired splash pad, and adventure playground. The purpose of this master plan effort is to present a compelling, citizen-driven vision for Shelby Depot Park.

2) 2020 North Carolina Parks and Recreation Trust Fund (PARTF) Grant Application – Tim Johnson, Senior Planner, Destination by Design (DbD)

Mr. Johnson reviewed the description and justification for the Shelby Rail Trail Depot Park Segment - Phase 1 as the project submitted to the North Carolina PARTF Grant Program, highlighting the following.

He stated the project will focus on development of the Depot Park segment of the Shelby Rail Trail, located on an approximately 4.5-acre parcel within the rail trail corridor in Uptown Shelby. Phase 1 development includes a 1/4 mile 14-foot-wide concrete rail trail, open lawn with trellis or live vegetative shade structure, event stage, six stall restroom facility, large shelter, splash pad, and adventure playground.

An intensive planning process has effectively engaged citizens and garnered enthusiastic support for the Shelby Rail Trail and more specifically the Depot Park segment. Planning began in 2018 with the preliminary Cleveland County Rail Trail Implementation Master Plan. Over 80 individuals participated in a public planning workshop, providing ideas and suggestions on maps, responding to a project questionnaire, and sharing feedback with consultants. Due to this support, the City received \$4.16 million from North Carolina Department of Transportation to assist with purchase of the railroad corridor. An additional \$2 million has been committed by the City to complete acquisition and begin development of the rail trail. Planning continued in 2020 as part of the City of Shelby's Comprehensive Parks and Recreation Master Plan and Depot Park Master Plan processes. A project steering committee, community survey, multiple community meetings, and public input workshop allowed citizens to share their vision for the new rail trail and ideas for how to improve parks and recreation facilities throughout the City. Citizens attended community meetings and the public input workshop to offer input. The survey, which featured questions pertaining to general recreation needs and specifically the rail trail. Nearly 75 percent of respondents considered the rail trail as "important" or "very important" when compared to other city recreation projects. The City of Shelby has begun the process of fully engineering the northern 1.2 miles of rail trail located within

the City limits. This section is a priority for implementation due to the major recreation, economic, transportation, and health implications it presents for significant portions of the City's population. The Depot Park segment offers the opportunity to create much more than just a trail. It provides an opportunity to establish recreational amenities and green infrastructure within the core of the City. The rail trail also provides an opportunity for renewal and revitalization of Uptown Shelby, particularly as former rail-oriented industrial areas give way to new commercial and residential infill development opportunities. The Shelby Rail Trail will not only expand recreational opportunities in the area, it will strengthen community connections and spur economic growth by creating a significant recreation, community, and tourism asset that attracts residents and visitors to Shelby and the region.

Mr. Johnson concluded by stating the total PARTF grant request by the City of Shelby is \$420,000.

C. Public Comment: None

D. Public Hearings:

- 1) **Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 17-2020**

Mr. Scharer introduced Ordinance No. 17-2020 for Council's consideration. He stated the property is known as Site 2 (S2) of Clearwater Paper Corporation's operations. The annexation parcel fronts Washburn Switch Road. Its official location is 105 Customer First Drive, which was the site of the former Smurfit Stone building. Mr. Scharer further stated the property meets the statutory requirements for annexation and is contiguous with the primary corporate limits of the City of Shelby. Staff recommended this proposed annexation.

Mayor Anthony opened the public hearing at 6:45 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:46 p.m.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Ordinance No. 17-2020 entitled, "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA".

- 2) **Consideration of the creation and funding of a Small Business Emergency Loan Program in accordance with North Carolina General Statute 158-7.1**

Mr. Howell explained the public hearing is scheduled at this time in accordance with North Carolina General Statute 158-7.1. Although City Council authorized the Small Business Emergency Loan Program under the Emergency Management Act on April 9, 2020, it is important for City Council to take a further step to solicit public comment and to consider authorizing this program under the economic development statute in order to expend these funds in the manner described for “economic development purposes”.

Mayor Anthony opened the public hearing at 6:48 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:49 p.m.

3) Consideration of a grant application to the North Carolina Parks and Recreation Trust Fund (PARTF) for funding to develop recreational facilities on the Shelby Rail Trail Depot Park Segment – Phase 1

Mayor Anthony noted the purpose of this hearing is to receive public input relating to the proposed City of Shelby grant application to the North Carolina PARTF Grant Program. The City of Shelby intends to apply for funding for the development of the Shelby Rail Trail Depot Park Segment – Phase 1. Phase 1 development includes a ¼ mile 14-foot-wide concrete rail trail, open lawn with trellis or live vegetative shade structure, event stage, six stall restroom facility, large shelter, splash pad, and adventure playground.

Mayor Anthony opened the public hearing at 6:51 p.m. and invited comments from the public.

Mrs. Parduski read the names of the following organizations in support of the Shelby Rail Trail Depot Park Segment – Phase 1:

- Shelby Rotary Club
- Shelby Breakfast Rotary Club
- Shelby Civitan Club
- Uptown Shelby Association
- Parks and Recreation Advisory Board

Mrs. Parduski then read the names of individuals who provided electronic mail messages in support of the Shelby Rail Trail Depot Park Segment – Phase 1, incorporated by referenced and made a part of these Minutes:

- Will Mabry
- Jim and Page Morgan
- Roger L. Holland, AIA
- Joe L. Suttle IV, Commercial Loan Officer, Fidelity Bank
- Juan L. Cherry, Pastor, New Creation Christian Center

- Craig Ferree
- Marie Hendrick
- Allen Langley

Mayor Anthony closed the public hearing at 6:52 p.m.

E. Consent Agenda:

Mayor Anthony presented the consent agenda. Mr. Hopper moved to approve the consent agenda and following items were unanimously adopted:

- 1) Approval of the Minutes of the Regular Meeting of March 16, 2020
- 2) Approval of the Minutes of the Special Meeting of April 9, 2020
- 3) Acceptance of the Certificate of Sufficiency regarding Petition for Annexation of applicant, Clearwater Paper Corporation
- 4) Approval of a resolution adopting a Small Business Emergency Loan Program in accordance with North Carolina General Statute 158-7.1: Resolution No. 15-2020

F. Unfinished Business: None

G. New Business:

- 1) Consideration of a resolution adopting the 2020 Parks and Recreation Comprehensive Master Plan: Resolution No. 12-2020

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 12-2020 entitled, "A RESOLUTION ADOPTING THE 2020 PARKS AND RECREATION COMPREHENSIVE MASTER PLAN".

- 2) Consideration of a resolution adopting the 2020 Parks and Recreation Depot Park Site Specific Master Plan: Resolution No. 13-2020

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Resolution No. 13-2020 entitled, "A RESOLUTION ADOPTING THE 2020 PARKS AND RECREATION DEPOT PARK SITE SPECIFIC MASTER PLAN".

- 3) Consideration of a resolution authorizing submittal of an application for a North Carolina Parks and Recreation Trust Fund Grant: Resolution No. 14-2020

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 14-2020 entitled, “A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A NORTH CAROLINA PARKS AND RECREATION TRUST FUND GRANT”.

H. City Manager’s Report:

- 1) Mr. Howell stated the Shelby1Fund Small Business Loan Program, which was approved by Council on April 9, 2020, was set up to provide a rapid source of assistance for City of Shelby-based businesses that have been impacted by COVID-19. Mountain BizWorks of Asheville, North Carolina is the administrator for the emergency loans program. The Shelby1Fund was launched and applications opened on April 15, 2020. He reported 13 applications have been submitted to date. The first 8 applications totaled \$69,500, averaging \$8,700 per applicant. Mr. Howell added the Shelby1Fund was well publicized through print and social media outlets as well as through targeted electronic mail announcements.**
- 2) Regarding the Uptown Shelby Streetscaping Project, Mr. Howell provided an update on the construction at the Lafayette Street and Marion Street intersection, which included curbing, pedestrian signal base installation, and paver installation. Next, demolition will proceed at Lafayette Street and Warren Street and with the construction of mid-crossings at Dale Street. Progress continues and the overall completion of the project is anticipated by August 1, 2020.**
- 3) Mr. Howell reminded Council the construction contract for the Shelby Job Ready Shell Building No. 3 was awarded to Hickory Construction Company pending funding approval from Cleveland County. Cleveland County has secured the financing for a construction loan and the project will move forward.**
- 4) Mr. Howell provided background information regarding the Town of Kingstown and the City of Shelby’s relationship and agreement to operate and treat Kingstown’s sewer system which began in 2005. He stated in the 2011-2012 timeframe Kingstown developed difficulties in paying their bill for a variety of reasons. The Town made good faith efforts to pay their bill. However, over time, the Town built up a deficit of \$190,000 to \$200,000 and will likely not be able to reduce this balance. The City is working with the Local Government Commission and several other partners who may be able to assist with renegotiating the City’s agreement with Kingstown. Mr. Howell then explained the difference in services between Kingstown and Fallston. Fallston pays only the sewer service governmental rate while Kingstown pays the sewer service governmental rate plus an operational management fee, which involves the direct cost of the work to manage and maintain the sewer system. The**

City has had discussions with the Town but there has not been any progress in collection. Mr. Howell said he would like to renegotiate the agreement with Kingstown and have the Town take responsibility for operating their own system, but he is not yet ready to make that recommendation to Council. The options would include providing notice to Kingstown to terminate the existing agreement, allowing the Town to develop a plan to manage and maintain their sewer system with a certified operator, and then the City would only bill for flow under the sewer service governmental rate similar to the Town of Fallston.

Discussion followed and Mr. Howell will provide his recommendations in the near future.

- 5) Regarding the City's current budget and upcoming budget preparation, Mr. Howell stated he and staff are very aware and paying attention to how much will be uncertain and unknown about lost revenues, especially sales tax and property tax collections, as a result of the COVID-19 pandemic. To date, he has frozen some positions and held back on spending. Mr. Howell is in the process of outlining his budget recommendations to share with Council and will prepare his budget presentation for the May 4, 2020 meeting. He mentioned the malware attack of March 18, 2020 has made the budgeting process very difficult since the City's financial software has not yet been fully restored. Considering the changing circumstances of the current pandemic, Mr. Howell will submit a plan for the City moving forward and it will include some difficult choices.

I. Council Announcements and Remarks:

Mayor Anthony provided Council with background and an update on the Bobby Bell commemoration, currently set for September 5, 2020, that he and Council Member Andrew Hopper are working on. The Mayor stated Bobby Bell is the most talented and successful athlete who grew up in Shelby. His story is truly remarkable and one to be celebrated and honored in an extraordinary way. In February 2020, Mayor Anthony created an ad hoc committee of individuals from the community to provide input and guidance. In addition to Mr. Hopper and the Mayor, the members include: Ron Harrill, Haywood Homsley, Jean Mitchell, Alan Ford, David Allen, and Charlie Holtzclaw.

This committee has come up with several great ideas, but Council will need to endorse and ultimately decide what will be done. The idea that has the most interest is to rename Dekalb Street to "Bobby Bell Boulevard". This will require approval from the North Carolina Department of Transportation and the General Assembly but based on conversations Mr. Howell and I have both had with state officials, changing street names has been done successfully in other communities. It will require a local bill filed through our legislative delegation and in speaking with NC House of Representatives Speaker Tim

Moore's office, Mr. Moore is willing to assist. Changing a street will generate questions and concerns and for that reason, it is extremely important these be addressed in an open, transparent way.

The second idea is placing Bobby Bell's name on a prominent facility in Uptown Shelby which is used by many, specifically, City Pavilion. The signage is easily added or changed, and wall space is available for artwork.

Mr. Hopper added the Kansas City Chiefs organization, through its Public Relations Department, have been contacted and will be involved in the Bobby Bell event.

At this point, Mayor Anthony requested Council to be open to allowing staff to proceed with the necessary due diligence and provide a report back.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to adjourn the meeting at 7:43 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of April 20, 2020