

MINUTES

**Regular Meeting
Don Gibson Theatre**

**October 5, 2020
Monday, 6:00 p.m.**

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, Violet Arth Dukes, Charles Webber, and Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Jennifer H. Harrill, Social Media Manager, Blue Eyes Social Media Connections, and Stan Lowery, Executive Director, Don Gibson Theatre

Absent: Council Members David W. White and David Causby

Mayor Anthony called the meeting to order at 6:00 p.m. and certified a quorum was present. It was noted a location for public access to the meeting was established at the Don Gibson Theatre. A maximum of 25 persons would be allowed to attend, following the current Executive Orders of Governor Cooper and the North Carolina Department of Health and Human Services COVID-19 guidelines.

The Mayor delivered the invocation and Mr. Hopper led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda**

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

B. Assumption of Office:

- 1) Oath of Office administered to City Attorney Andrea Leslie-Fite**

Mayor Anthony administered the Oath of Office to Mrs. Leslie-Fite who was assisted by her husband, Rev. Dr. Jerret Fite, her children, Aaron and Maya Fite, and her parents, Marshall and Pam Leslie.

C. Special Presentation:

- 1) Honoring Michael Robert Mull on the occasion of his retirement from employment with the City of Shelby: Resolution No. 3-2020**

Mayor Anthony called upon Michael Robert Mull. Mr. Mull recognized his

wife, Summer, and daughter, Madison, in attendance. The Mayor formally read and presented framed Resolution No. 3-2020 to Mr. Mull. He then presented a plaque, along with the key to the City and a City lapel pin to him in honor of and with heartfelt appreciation for his 27.5 years of dedicated service at the Water Treatment Plant with the City of Shelby Water Resources Department.

Humbled by the recognition, Mr. Mull expressed his appreciation to all.

D. Public Hearings:

- 1) Consideration of a resolution for the City of Shelby's application for Community Development Block Grant Coronavirus (CDBG-CV) funding: Resolution No. 39-2020**

Mayor Anthony opened the public hearing at 6:12 p.m. and invited comments from the public:

Mr. Merritt introduced Resolution No. 39-2020 for Council's consideration. He stated the North Carolina CDBG-CV Program is designed to help a non-entitlement municipality or county to prepare, prevent, or respond to the health and economic impacts of COVID-19. The eligible activities, which include, public service, public facilities, and economic development, must be most critical to their locality and primarily for their low- and moderate-income residents. The North Carolina Commerce's Rural Economic Development Division will award CDBG-CV funds on a first-come, first-served basis with a focus on local needs identified by the community in collaboration with state and local health officials.

Mr. Merritt added, as has been the case with so many COVID-19 response efforts, this program has evolved quickly, and some guidance is still being developed. It is known that \$27.5 million is available under this program and a maximum grant award will be capped at \$900,000.

Mr. Merritt stated the City is required to hold two public hearings in order to comply with the CDBG-CV public input requirements. An initial public hearing was held by City staff on September 15, 2020, which was to notify the public and receive proposals that may qualify for CDBG-CV funding. The City received no comments and no proposals.

This second public hearing is required by the CDBG-CV program and has the purpose of identifying the specific use of the requested CDBG funding which in this case is public service subsistence payments and broadband and communications support. Additionally, it allows the public a time to provide comments on these proposed uses.

Mr. Merritt further stated the City proposes to focus its grant application on public service subsistence payments, which can be used to make emergency utility payments. Additionally, the City is exploring ways to assist those who have no or limited access to broadband, which has become an issue due to remote learning. These programs must benefit at least 51 percent low to moderate income residents for the subsistence program and at least 70 percent low to moderate income residents for broadband access. He concluded by stating the City plans to partner with United Way of Cleveland County and Cleveland County Development Corporation to distribute the funds. A draft memorandum of understanding with each entity is under review.

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 Resolution No. 39-2020 entitled, "A RESOLUTION FOR THE CITY OF SHELBY'S APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) FUNDING".

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Randolph Road: Ordinance No. 27-2020**

Mr. Scharer presented the proposed zoning map amendment. The subject property is currently zoned Light Industrial (LI) zoning district. The applicant, Albert Tinsley, has requested the Residential 20 (R20) zoning district in order to renovate the existing mill houses on the properties. Mr. Scharer stated other land uses in the area include single-family dwellings and industrial uses. The single-family dwellings on these properties are currently non-conforming and cannot be redeveloped as zoned. He added the Shelby Comprehensive Land Use Plan for this area designates the site as an Employment Area. He further stated the proposed zoning map amendment is inconsistent with the Shelby Comprehensive Land Use Plan.

Mr. Scharer concluded by stating the Planning and Zoning Board recommended this proposed zoning amendment due to the characteristics of the property.

Mayor Anthony opened the public hearing at 6:19 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:20 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Ordinance No. 27-2020 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF

SHELBY, NORTH CAROLINA FOR PROPERTY LOCATED ON RANDOLPH ROAD”.

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Railroad Avenue: Ordinance No. 28-2020

Mr. Scharer presented the proposed zoning map amendment. He stated the properties are currently zoned Residential 8 (R8), Residential 6 (R6), and Light Industrial (LI) zoning districts. The applicant, Alex Taylor of Tube Enterprises, Inc., has requested Light Industrial-Conditional Use (LI-CU) zoning district. Mr. Taylor is proposing this zoning change on the property in order to expand his operations and add parking facilities for his employees. Mr. Scharer explained if this zoning map amendment is approved by City Council, a quasi-judicial public hearing will be required for the proposed Special Use Permit for this proposed conditional use zoning district. Approval of the zoning map amendment does not approve the proposed use associated with the conditional use. The quasi-judicial public hearing will be scheduled for a subsequent Council meeting.

Mr. Scharer further stated the Shelby Comprehensive Land Use Plan for this area designates the site as Neighborhood Revitalization Area. He added the proposed zoning map amendment is inconsistent with the Land Use Plan. Mr. Scharer concluded by stating the Planning and Zoning Board recommended this proposed zoning amendment due to the characteristics of the applicant's site plan.

Mayor Anthony opened the public hearing at 6:21 p.m. and invited comments from the public:

Alex Taylor who owns the property and business at 1028 Railroad Avenue in Shelby, North Carolina spoke in support of his application requesting a zoning map amendment. Mr. Taylor stated Tube Enterprises, Inc. has been in business for a total of 14 years with 6 years at this location in Shelby. He is seeking to combine four parcels as Light Industrial-Conditional Use (LI-CU) zoning district to improve the business, the area, and the surroundings, allowing for business expansion and parking facilities. As the owner and applicant, Mr. Taylor plans to follow the recommendations proposed by the City of Shelby's Planning and Development Services Department.

Mayor Anthony closed the public hearing at 6:24 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 28-2020 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF

SHELBY, NORTH CAROLINA FOR PROPERTY LOCATED ON RAILROAD AVENUE”.

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of September 21, 2020**
- 2) Approval of a resolution honoring Roderick Wood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 42-2020**
- 3) Approval of a resolution honoring S. Todd McMurry on the occasion of his retirement from employment with the City of Shelby: Resolution No. 43-2020**
- 4) Approval of a resolution accepting property from Daniel Taylor: Resolution No. 44-2020**
- 5) West Marion Street Streetscape Project:**
 - a. Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 1: Ordinance No. 30-2020**
 - b. Approval of a resolution awarding the contract for the West Marion Street Streetscape Project: Resolution No. 45-2020**

E. Unfinished Business: None

F. New Business: None

G. City Manager’s Report:

- 1) Mr. Howell mentioned the number of recent retirements the City is experiencing which presents both challenges within the organization as well as opportunities for individuals seeking employment. Admittedly, the City is losing talented and experienced leaders. Mr. Howell encouraged Council to be mindful of those in the community they know who might be interested in public service jobs with the City of Shelby.**
- 2) Mr. Howell said the new digital payment kiosk at City Hall is now operational and functioning, allowing customers to pay their bills 24 hours a day, 365 days a year.**

- 3) **Mr. Howell informed Council notices have been mailed to the tenants leasing property from the City on the former depot property. These notices simply make the lessees, JB Ellis Locksmith and Shelby Farm and Garden, aware that their current lease will terminate on June 30, 2021 and use of the property will be month-to-month afterwards. These leases are part of the transfer of the property from Norfolk Southern to the City.**
- 4) **Regarding the Transportation Alternatives Program (TAP) Grant from the North Carolina Department of Transportation (Rail Corridor Acquisition), Mr. Howell continues to work with Speaker Moore's office to secure a portion of the payment from NCDOT of this \$4,160,000 grant prior to November 2020, when the City's first debt service payment is due. Council was reminded that in order to acquire the rail corridor the City initially financed \$5.5 million over 10 years with the knowledge and expectation that the grant, even though those funds have been delayed due to DOT's financial woes and revenue shortfalls, would pay down that debt and the remaining principal balance would be refinanced for a shorter term.**
- 5) **Mr. Howell mentioned the City's Lead for North Carolina Fellow, Shelby Holmes, who is being mentored by Assistant City Manager Justin Merritt, has been given a work plan for the coming year. The main components of the work plan include development of a framework and policy for a Public Art Plan, a Housing Economic Development Policy, and development of draft Human Resource policies to assist with recruitment to increase diversity and attract recent college graduates to professional positions in the area.**
- 6) **Mr. Howell previously reported to Council the need to undergo a Cost of Service Study for the Water and Sewer Systems. The City has a variety of rates in both utilities and the intent of the study is to determine if the City's rates will over the long-term meet the expected cost of operations and capital. It would also set forth a detailed cost analysis and review rate classifications for fairness. The intent is to make informed decisions and help the City better manage both short- and long-term rate structures.**
- 7) **Regarding the Wastewater Treatment Plant Biosolids Facility Project, Mr. Howell stated this project is in the final stages. It is fully operational, and the old compost facility has been shut down. The only major component of the project is the demolition of the old compost facility which will begin soon. The remaining work includes some final electrical and punch list items. Paving and final seeding were completed recently. A ribbon cutting ceremony will also be scheduled in the near future.**
- 8) **Mr. Howell informed Council work in the Brookwood area for water, sewer, and road improvements is largely complete. The only remaining**

item is the repair of shoddy asphalt patching by a subcontractor. The City is waiting for confirmation from the contractor as to when this work will be scheduled and repaired.

- 9) Regarding the West Elevated Water Storage Tank on Plato Lee Road, Mr. Howell informed Council the interior of this tank requires maintenance that includes interior sand blasting and reapplication of a protective coating. The City can now undertake this project with the completion of the newer West Water Storage Tank on Farmville Road. Previously, the Plato Lee Road Tank could not be drained and properly inspected because of the significant flow to surrounding industry. This 750,000-gallon tank was “turning over” two to three times per day. It was completed and put into service in early 2010. The project will be budgeted over a three-year period, but work will likely take place this fiscal year. Mr. Howell stated a final cost and timing of the work is yet to be determined for consideration.
- 10) Regarding the First Broad River Trail, Mr. Howell reported the parking lot for the trail will be reopened soon. Although the suspension bridge has not yet been reconstructed, there are still people accessing the trail. They are currently parking along Grover Street and it will be much safer to allow them access to the parking lot. People can still utilize the trail from the parking lot that heads up hill and behind the Utility Operations Center to Grover Street.
- 11) Mr. Howell announced October 4 through 10, 2020 is Public Power Week for both electric and natural gas utilities, and the City of Shelby has reason to celebrate the benefits of living in a public power community, including:
 - Low rates
 - High reliability
 - Customer responsiveness
 - Community focus
 - Economic development
 - Local control
- 12) Regarding the Uptown Shelby Streetscaping Project, Mr. Howell reported only a few items remain to be completed such as the thermoplastic markings, traffic signals, landscaping, sealing of pavers, the removal of old poles, and the stamped asphalt crosswalk near Arey Street.

H. Council Announcements and Remarks:

- 1) Mr. Webber supported the City Manager in maintaining an effective workforce by investing in people through certifications and education.

Council needs to support, invest, and improve policies and compensation programs for their employees.

Mayor Anthony and Mr. Hopper supported Mr. Webber's statement and echoed Mr. Howell's comments regarding current employees and potential employees.

- 2) The Mayor suggested a re-dedication ceremony upon the completion of the Uptown Shelby Streetscaping Project to be tentatively scheduled for November 2, 2020 at 5:00 p.m.

Also, a ribbon cutting ceremony for the Water Treatment Plant Improvements Project was discussed for a date later in November 2020.

- 3) Mayor Anthony initiated a discussion concerning the City's noise ordinance and outdoor church services during the COVID-19 pandemic. Mr. Howell responded he will research the issue and provide the information to Mayor and Council.
- 4) Mayor Anthony and Council members gave their new City Attorney, Andrea Leslie-Fite, a warm welcome.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 6:46 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of October 5, 2020