

MINUTES

**Regular Meeting
Don Gibson Theatre**

**March 1, 2021
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, Assistant City Manager Justin S. Merritt, MPA, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, Public Information and Communications Officer Chip Nuhrah, Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Lead for North Carolina Fellow Shelby Holmes; Stan Lowery, Executive Director, Don Gibson Theatre, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections

Mayor Anthony called the meeting to order at 6:00 p.m. and certified a quorum of City Council was present. It was noted the meeting was being held electronically pursuant to General Statute 166A-19.24. A location for public access to the meeting was established at the Don Gibson Theatre in accordance with 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.

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 Presentation:

- 1) Uptown Shelby Association (USA) update – Audrey Whetten Godfrey, Executive Director**

Mrs. Godfrey previously provided Council with USA's 2020 report outlining their work over the past year. The vision, goals, and objectives were identified at the 2020 USA Board retreat which took place before the onset of the COVID-19 pandemic. The projects and tasks implemented from March 2020 through February 2021 were highlighted in that report.

In a recent survey of business owners and property owners in the Municipal Service District, Mrs. Godfrey reported one of the primary themes that arose was enthusiasm about the City's streetscape improvements. There was also a good deal of excitement about the proposed Rail Trail and Depot Park Projects.

Mrs. Godfrey said several events were held during the fall and winter of 2020, all with COVID safety measures in place. She elaborated that USA celebrated the completion of the Uptown Improvement Project with a month-long "Open Streets, Open Hearts" event centered around the spirit of community and giving back. The celebration included a community public art activation, blood drive, school supply drive, sidewalk sale, storybook stroll, and an art drive for isolated elders.

Mrs. Godfrey announced several upcoming events have been planned and will be held including the March Storybook Stroll and Second Saturdays. Other events will be scheduled as plans develop.

Regarding business news, Mrs. Godfrey was encouraged that during the pandemic 26 businesses have opened in Uptown Shelby and three existing Uptown Shelby businesses expanded to larger locations in the district. During the same period, 13 businesses have closed, moved to online-only, or moved out of Uptown, leaving a net growth of 13 new businesses, which is still as strong as USA's strongest pre-pandemic years.

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of February 15, 2021
- 2) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from North Point Custom Builders: Resolution No. 13-2021
- 3) Approval of a resolution authorizing the selection of Rummel, Klepper, Kahl, LLC (RK&K) based on qualifications for corrosion control remediation on the City of Shelby Natural Gas Pipeline: Resolution No. 14-2021
- 4) Approval of a resolution honoring Steve Ashley Canipe on the occasion of his retirement from employment with the City of Shelby: Resolution No. 15-2021

D. 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, Patrick McMurry, Wiley Smith, Don Costner, Patti Ellis McMurry, and Dana White, concluded in January 2021. All five incumbents wish to continue their service on this board.

There is one application on file in the Clerk's Office:

- Cheryl Yates

Mr. White nominated Patrick McMurry, Wiley Smith, Don Costner, Patti Ellis McMurry, and Dana White for reappointment.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to close the nominations and accept the nominees for reappointment by acclamation.

2) Consideration of a resolution and order permanently closing an unopened right-of-way between Textile Street and East Shannonhouse Street: Resolution No. 2-2021

Mr. Scharer reintroduced Resolution No. 2-2021 for Council's consideration. Previously, the City received a request and petition from abutting property owners to permanently close an unopened right-of-way between Textile Street and East Shannonhouse Street. If approved, the resolution and order would permanently close this unopened right-of-way, returning ownership to the abutting property owners. Mr. Scharer stated the request is part of the proposed Cambridge Commons multi-family development.

Mr. Scharer further stated a public hearing for this proposed street closure was held on February 15, 2021 with no public comment submitted. State law authorizes public bodies to conduct public hearings during a remote meeting and act based on those hearings. It adds a requirement that written comments may be submitted at any time between the notice of the public hearing and 24 hours after the public hearing. A consequence of this requirement is that Council was not be able to act on the matter immediately following the public hearing.

Therefore, Council's consideration of the approval and adoption of Resolution No. 2-2021 is presented for action as recommended.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 2-2021 entitled, “A RESOLUTION AND ORDER PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY BETWEEN TEXTILE STREET AND EAST SHANNONHOUSE STREET”.

- 3) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 4-2021

Mr. Scharer reintroduced Ordinance No. 4-2021. This proposed text amendment to the City of Shelby’s Unified Development Ordinance (UDO) follows the requirements found in the new 160D land development statute. This amendment eliminates Conditional Use District Zoning and replaces it with Conditional Zoning. These zoning districts are similar, but the new Conditional Zoning eliminates the need for a quasi-judicial hearing which was previously necessary with Conditional Use District Zoning.

Mr. Scharer stated a public hearing for this proposed Zoning Text Amendment was held on February 15, 2021 with no public comment submitted. State law authorizes public bodies to conduct public hearings during a remote meeting and act based on those hearings. It adds a requirement that written comments may be submitted at any time between the notice of the public hearing and 24 hours after the public hearing. A consequence of this requirement is that City Council was not able to act on the matter immediately following the public hearing.

Therefore, Council’s consideration of the approval and adoption of Ordinance No. 4-2021 is presented for action as recommended.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Ordinance No. 4-2021 entitled, “A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY”.

E. New Business:

- 1) Consideration of a resolution adopting the 2021 Parks and Recreation Comprehensive Master Plan and Capital Improvement Plan: Resolution No. 16-2021

Mr. Howell introduced Resolution No. 16-2021 for Council’s consideration. As background information, he stated the 2020 Shelby on the Move Comprehensive Parks and Recreation Master Plan served as a guide for park and recreation facility development and ensured grant competitiveness by adhering to planning guidelines set forth by the North Carolina Parks and Recreation Trust Fund (PARTF). The Plan considered past planning efforts, existing recreational assets, community recreation preferences, and public

input to guide recommendations for future facility enhancements and development. Plan recommendations focused on capital infrastructure development and connectivity between existing and new parks.

Mr. Howell further stated adoption of the 2021 Shelby on the Move Recreation Master Plan is also necessary for the City to qualify for valuable points when submitting grant applications to the NCPARTF grant program as well as others. He added that an update to the City's overall General Fund Capital Improvement Plan (CIP) that incorporates recommendations from the 2021 Parks Master Plan is also included.

Next, Mr. Holtzclaw recalled that ultimately the PARTF grant request was not funded in 2020 and it was later determined to make certain revisions to the previously adopted Master Plan consisting of additional Parks and Recreation facility inventory such as schools and other nearby recreational facilities not located within the City limits to better the application submission for the next PARTF grant request. Additionally, the PARTF scoring system awards additional points for applications that have an adopted Citywide Capital Improvement Plan as part of their grant request.

Mr. Holtzclaw requested and recommended the adoption of Resolution No. 16-2021 thereby approving the 2021 Comprehensive Parks and Recreation Master Plan and the City of Shelby Capital Improvement Plan.

Mr. Webber left the meeting at approximately 6:26 p.m.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted 5 (Hendrick, White, Causby, Arth Dukes, and Hopper) to 0 (Webber) to approve and adopt Resolution No. 16-2021 entitled, "A RESOLUTION ADOPTING THE 2021 PARKS AND RECREATION COMPREHENSIVE MASTER PLAN AND CAPITAL IMPROVEMENT PLAN".

Mr. Webber returned to the meeting at approximately 6:30 p.m.

2) Consideration of a resolution authorizing submittal of an application for a Parks and Recreation Trust Fund Grant: Resolution No. 17-2021

Mr. Howell introduced Resolution No. 17-2021 for Council's consideration. If approved, this resolution would authorize the City to submit a grant application to the North Carolina Parks and Recreation Trust Fund (PARTF) grant program for the purpose of design and construction of the Shelby Rail Trail Depot Park.

Next, Mr. Holtzclaw recalled that ultimately the PARTF grant request was not funded in 2020 for the Shelby Rail Trail Depot Park Segment Phase 1 Project.

After conferring with the City's consultants and North Carolina Recreation and Resource Services, it was decided to update the 2020 Parks and Recreation Comprehensive Master Plan to include other local recreational facilities and to prepare a City of Shelby Capital Improvement Plan with the goal to secure additional points on the PARTF grant scoring system.

In addition, presentations specific to the Shelby Rail Trail Depot Park Segment Phase 1 Project were again made to local civic organizations, Parks and Recreation Advisory Board, and a public meeting was held on January 26, 2021 at Shelby City Park for questions and comments from the public.

Mr. Holtzclaw concluded by stating with the pending approval of the new 2021 Parks and Recreation Master Plan and the City of Shelby Capital Improvement Plan, the City is in position to make a new request for matching funds from Parks and Recreation Trust Fund for the Shelby Rail Trail Depot Park Segment Phase 1 Project.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Resolution No. 17-2021 entitled, "A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A PARKS AND RECREATION TRUST FUND GRANT".

3) Consideration of an ordinance amending the City of Shelby's Schedule of Fees: Ordinance No. 7-2021

Mr. Howell introduced Ordinance No. 7-2021 for Council's consideration. If approved, this recommendation would amend the current Schedule of Fees and Charges to allow electric customers additional options for outdoor rental.

To summarize, Mr. Howell outlined the changes as follows:

The City of Shelby Energy Services Department offers rental lighting. Rental lights are available for private streets and/or back yard security lighting. Currently the rental lighting option for private streets is a wooden pole and a current fixture available for City streets. The choices other than that standard was handled in one of two ways:

- Purchased by the person requesting, installed by purchaser/owner, and usage was calculated through their existing meter or a meter specifically for the lights (maintenance was the responsibility of light owner).
- Purchased by the person requesting, installed by City staff, and billed a fee per light for the energy costs and maintenance.

The cost of decorative poles and fixtures are more expensive than the City's standard wooden poles and fixtures, however, staff has found that the City's customers would like to have more options. Staff has had several requests over the last few months to rent decorative lights like those along the City streets in Uptown Shelby and in neighborhoods that have decorative lights along their streets.

Staff has selected poles and fixtures that can be interchanged to allow multiple options for City customers without adding to the City's current stock options. The poles and fixtures selected are based on inventory of the styles of fixtures and poles that are in neighborhoods and in Uptown Shelby. All fixtures selected are LED while those currently in the field are not, with exception of Uptown Shelby. Staff gathered current pricing to determine the monthly fee to be associated with each combination that will allow for a reasonable payback period and to determine the monthly charges included in the revised fee schedule.

To conclude, Mr. Howell recommended the adoption of the additional rental light options for City customers and the associated monthly fee based on selection of pole and fixture.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 7-2021 entitled, "AN ORDINANCE AMENDING THE CITY OF SHELBY'S SCHEDULE OF FEES".

F. City Manager's Report:

- 1) Regarding the Monthly Financial Summary for January 2021 previously provided to Council, Mr. Howell reported the City is having a reasonably good year financially considering the pandemic and the resulting economic downturn. He encouraged Council members to contact him with specific questions.
- 2) Mr. Howell previously provided Council with an example of a business starter packet which is essentially a guide for businesses startup in Shelby. The project is headed up by Mr. Merritt and he will be working with an organization called NC Growth that is housed at the University of North Carolina Kenan Flagler School of Business.
- 3) Regarding the Cleveland County 2021 property revaluation, Mr. Howell reminded Council that they may hear from citizens about the process and values; however, the City is not directly involved, and those matters should be referred to Cleveland County for review.
- 4) Regarding the Transportation Alternatives Program (TAP) Grant from the

North Carolina Department of Transportation (DOT) for the City's Rail Corridor Acquisition, Mr. Howell informed Council that he and staff continue to pursue the DOT and the Federal Highway Administration (FHA) to secure the \$4,160,000 locally administered federal grant awarded to the City of Shelby.

- 5) Regarding the Railroad Depot area lease terminations, Mr. Howell reminded Council they authorized the termination of the two remaining leases for the depot area that were assigned by Norfolk Southern to the City at the December 2019 property closing. These leases are held by JB Ellis Locksmith and Shelby Farm and Garden. Both businesses were sent letters notifying them that their leases would terminate on June 30, 2021 and that the City may, at its discretion, consider month to month extensions thereafter. A follow up letter will remind them they must contact the City.
- 6) Mr. Howell anticipates the final engineering design and construction proposal for the two phases of the City of Shelby portion of the Rail Trail to be completed for the bidding process soon.
- 7) Regarding the First Broad River Wastewater Treatment Plant Biosolids Facility Project, the ribbon cutting ceremony was scheduled for Monday, March 15, 2021, at 4:45 p.m.
- 8) Mr. Howell mentioned several critical projects listed on the City's Capital Improvement Plan including:
 - City Hall – Replace slate roof; replace HVAC unit
 - Samuel A. Raper Public Works Facility – Replace roof in three segments over a three-year period
 - Fire and Rescue Department – Replace fire engine
 - Aquatics Center pool – Repair or replace leaking pool
- 9) Regarding Shell Building No. 3, Mr. Howell continues to be cautiously optimistic about the sale of the building based on the interest by potential clients.
- 10) Mr. Howell mentioned Council's annual planning retreat dates. The format would include three sessions comprised of staff presentations and discussions along with an updated video of City projects. A final follow-up meeting would be scheduled to allow for Council's 2021-2022 goal-setting discussion.
- 11) To celebrate Black History Month in February, Mr. Howell mentioned the City of Shelby collaborated with the Earl Scruggs Center and Uptown Shelby Association in highlighting local Black leaders and their impacts

on Shelby and Cleveland County, commending their collective work on the project.

- 12) Mr. Howell announced the City of Shelby's application for a North Carolina Civil Rights Trail Marker was recently approved by the North Carolina Civil Rights Trail Advisory Committee and a dedication ceremony will be planned.

G. Council Announcements and Remarks:

- 1) Mayor Anthony suggested Council return to in-person meetings beginning April 5, 2021 at the Don Gibson Theatre, utilizing the function area, and following the current Executive Orders of Governor Cooper and the North Carolina Department of Health and Human Services COVID-19 guidelines.
- 2) Mr. Webber requested clarification regarding the subject of The Shelby Star's recent article comparing the salaries of local law enforcement officers.

Mr. Howell responded by explaining the discrepancies in the published numbers. He added the City plans to implement Phase 3 of the Pay Plan to relieve salary compression and provide a pay increase for employees in the upcoming budget for Fiscal Year 2021-2022. The third year of the Pay Plan was delayed due to the financial uncertainty caused by the pandemic. Going forward, the City will review one-third of its positions, including law enforcement officers, over the next three years, comparing those positions to market rate and adjusting accordingly.

- 3) As a developer, Mr. White concurred with Mrs. Godfrey's Uptown Shelby business report that there is a keen interest in property which has developed over the last three months.
- 4) Mrs. Arth Dukes announced that March is Women's History Month. Happy first day of Women's History Month!

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 7:07 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of March 1, 2021