

## MINUTES

Regular Meeting  
City Hall Council Chamber

November 21, 2016  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David Causby, Dennis C. Bailey, Ben Kittrell, Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Finance Justin S. Merritt, MPA, 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 Housing Bryan T. Howell, and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Greg Tillman of The Video Factory

**Absent:** Council Member David W. White

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance, including representatives of Cleveland County Schools. The Mayor gave the invocation and Mr. Bailey led the *Pledge of Allegiance*.

### A. Approval of agenda:

Mr. Hendrick requested the addition of a Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (6) to conduct the performance evaluations of the City Manager and the City Clerk.

#### 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 amended.

### B. Special Presentations:

#### 1) Recognition of Helen L. Houze on the occasion of her retirement from employment with the City of Shelby: Resolution No. 55-2016

Mayor Anthony called upon Helen Houze. Mrs. Houze recognized her husband in attendance. The Mayor formally read and presented framed Resolution No. 55-2016 to Mrs. Houze. He also presented a City lapel pin to her in honor of and with heartfelt appreciation for more than 36 years of dedicated service to the City of Shelby Housing Department. Housing

Director Bryan Howell echoed the Mayor's well wishes.

Humbled by the recognition, Mrs. Houze expressed her appreciation to all.

**2) Shelby City Park All-inclusive Playground for Children and Veterans and the Connect NC Bond Grant Program – Charlie Holtzclaw, Director of Parks and Recreation**

Mr. Howell introduced the subject matter of the presentation as identifying a project at City Park and submitting a grant application to the Connect NC Bond Grant Program on behalf of the City of Shelby. The proposed project at Shelby City Park would lead to renovating the existing playground at the Shelby Rotary Train Station, making it all-inclusive for children and veterans with disabilities.

Next, Mr. Holtzclaw provided an overview of the Connect NC Bond Matching Grant Program and stated the bond package includes \$3 million for parks and recreation grants to benefit children and/or veterans with physical and developmental disabilities. He said local government units in the state are eligible for the matching grants to be administered by the North Carolina Division of Parks and Recreation through the North Carolina Parks and Recreation Trust Fund (PARTF). The matching grants can be used to build special facilities or adapt existing facilities that meet the unique needs of children and/or veterans with physical and developmental disabilities and enable them to participate in recreational and sporting activities, regardless of their abilities. He stated local governments can request a maximum of \$500,000 with each application and must match the grant with at least one dollar of local funds for every four dollars in grant funds.

Mr. Holtzclaw said the existing City Park playground has served thousands of patrons since opening in 2000 and is in need of major renovations and updates to adhere to newer Americans with Disabilities Act (ADA) regulations. This grant provides the City with a great opportunity to renovate the entire playground with modern equipment and surfacing. He noted the Friends of the Parks Board has authorized a donation of \$10,000 to the City for this project. In addition to the support from Friends of the Parks, Mr. Holtzclaw mentioned meeting and receiving endorsements from North Shelby School, Shelby Veterans of Foreign Wars (VFW), and the Shelby Parks and Recreation Advisory Board.

Council received the information and will consider a resolution authorizing submittal of an application for a Connect NC Bond Grant and an ordinance establishing a capital project ordinance and budgets for the City of Shelby's City Park Inclusion Playground Project, both under the Consent Agenda.

**C. Public Comment: None**

**D. Public Hearing:**

- 1) Consideration of a resolution granting a Special Use Permit for an elementary/secondary school at 1701 Charles Road: Resolution No. 57-2016**

**Mayor Anthony opened the public hearing at 6:18 p.m. and sworn testimony was given as follows:**

**Mr. Scharer introduced the proposed Special Use Zoning Permit in which the applicant, Cleveland County Schools, is proposing to build an additional school at 1701 Charles Road. Utilizing a location map, he pointed to the James Love Elementary School campus located at 309 James Love School Road. Cleveland County Schools plan to build a new North Shelby School on a site approximately 34.5 acres in size with a connection to the existing James Love Elementary School. The additional property will be used for access to North Shelby School off of Charles Road.**

**Utilizing the Special Use Zoning Development Plan for North Shelby School, Mr. Scharer stated land uses in the area are residential; however, the R10 Residential District includes non-residential uses for educational land uses that are compatible with the low density residential character of the R10 District.**

**Mr. Scharer reminded Council the burden of persuasion on the issue of whether the development, if completed as proposed, complies with all of the applicable standards of Unified Development Ordinance (UDO) remains at all times on the applicant. Even if Council finds that the application complies with all other provisions of the UDO, it may still deny the permit if it concludes, based upon the information submitted at the hearing, the development, more probably than not:**

- Will materially endanger the public health or safety; or**
- Will substantially injure the value of adjoining or abutting property; or**
- Will not be in harmony with the area in which it is to be located; or**
- Will not be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by Council**

**Mr. Scharer concluded by stating the proposed Special Use Permit request is consistent with the Shelby Comprehensive Land Use Plan.**

**Mayor Anthony closed the public hearing at 6:19 p.m.**

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 57-2016 entitled, "A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR AN ELEMENTARY/SECONDARY SCHOOL AT 1701 CHARLES ROAD".

**E. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mr. Bailey 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 November 7, 2016
- 2) Approval of Special Event Permit Applications:
  - a. Uptown Shelby Carriage Rides, requested dates: November 25, December 2, 9, and 16, 2016
  - b. Uptown Shelby Christmas Parade, requested date: December 18, 2016
  - c. 7<sup>th</sup> Annual Broad River European Classic, requested date: April 29, 2017
- 3) City of Shelby City Park Inclusion Playground Project:
  - a. Approval of resolution authorizing submittal of an application for a Connect NC Bond Grant: Resolution No. 58-2016
  - b. Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's City Park Inclusion Playground Project: Ordinance No. 58-2016
- 4) Approval of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedure Manual: Resolution No. 59-2016
- 5) Adoption of an ordinance authorizing demolition of a dwelling at 414 Atlantic Avenue: Ordinance No. 59-2016
- 6) Adoption of an ordinance authorizing demolition of a dwelling at 511 Booker Street: Ordinance No. 60-2016
- 7) Adoption of an ordinance authorizing demolition of a dwelling at 313 Willow Lane: Ordinance No. 61-2016

- 8) Adoption of an ordinance authorizing demolition of a dwelling at 409 Wilson Street: Ordinance No. 62-2016

### END CONSENT AGENDA

F. Unfinished Business: None

G. New Business: None

H. City Manager's Report:

- 1) Mr. Howell reported after due deliberations with Huesker, Inc. regarding the City's extension of sanitary sewer service, the company has decided to remain on its current septic field. Previously, the City has applied for grant funding, which was contingent upon not only the number of jobs but also the related wages Huesker would provide. Recently, Huesker indicated a reduction in the number of new jobs created in North Carolina. This situation left a significant funding gap for the City which Huesker was not willing to make up. Mr. Howell explained the City will not be utilizing the grant or extending sanitary sewer to the Huesker site. A formal request to the North Carolina Department of Commerce to de-obligate the grant funds awarded for the Huesker Sewer Extension Project has been made. Mr. Howell advised Council that Huesker will not be eligible for future grant funding unless it is creating new jobs.
- 2) With regard to the East Elevated Water Tank Project, Mr. Howell said the tank should be painted and in service by the end of 2016.
- 3) Mr. Howell informed Council of several utility line relocations associated with North Carolina Department of Transportation projects including the US 74 Bypass Section C, Joe's Lake Road and South Post Road, and East Marion Street and Cherryville Road (Highway 150). He explained the North Carolina General Assembly has provided relief for small municipalities from the costs of municipal utility relocation related to State transportation projects by setting up a tiered system of costs based on population. The City of Shelby would be responsible for 25 percent of those costs.

It was noted achieving financial relief for cities and towns with populations under 50,000 for utility line relocations forced by State road construction projects was a North Carolina League of Municipalities (NCLM) legislative priority.

- 4) Mr. Howell informed Council a comprehensive pay and classification study will be conducted by Springsted Incorporated, assisted by Human

Resources Director Deb Jolly. He anticipated the study to be completed sometime in late spring 2017.

- 5) Mr. Howell mentioned the City plans to start-up a comprehensive Natural Gas Marketing Program and hire a new employee to manage it in an effort to expand its natural gas customer base.

**I. Council Announcements and Remarks:**

- 1) Mayor Anthony expressed his appreciation to Mr. Bailey for presiding over the Council meeting of November 7, 2016.
- 2) The Mayor reminded Council members to attend the Shelby Police Department's Annual Christmas Awards Banquet on December 8, 2016 at 6:30 p.m., Bethel Baptist Church.
- 3) The Mayor also reminded Council members to participate in the Uptown Shelby Christmas parade on December 18, 2016.

**J. Closed Session:**

- 1) To conduct the annual performance evaluations of the City Manager and the City Clerk pursuant to North Carolina General Statute 143-318.11 (a) (6)

**ACTION TAKEN:** Mr. Amaya made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statute as cited. Mayor Anthony consulted with Mr. Yelton who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present and Mr. Howell and Mrs. Parduski, respectively, to attend. The motion passed unanimously and Council moved into closed session at 6:30 p.m.

Council returned to the regular session at 7:00 p.m.

**K. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:01 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III  
Mayor**

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