

MINUTES

Regular Meeting
City Hall Council Chamber

March 17, 2014
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric Hendrick, David W. White, Jeanette D. Patterson, 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 Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Planning and Development Services Walter (Walt) Scharer, AICP; and media representatives

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 Mrs. Patterson led the *Pledge of Allegiance*.

A. Approval of agenda:

Mayor Anthony announced the addition of an item under the Consent Agenda (*which ultimately became Item E-4*) as follows:

- Approval of a resolution authorizing exchange of property between the City of Shelby and the County of Cleveland: Resolution No. 14-2014

Mr. Kittrell requested Item E-4 under the Consent Agenda be removed and placed under Unfinished Business as Item F-2 as follows:

- Consideration of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 9: Ordinance No. 13-2014

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 amended.

B. Special Presentation:

- 1) United Way of Cleveland County Foster Grandparent Program – Adrienne Caldwell, Project Director

Miss Caldwell began her presentation by providing background information about the Foster Grandparent Program. She stated in 1989 the United Way of Cleveland County was awarded a federal grant to develop and administer a local Foster Grandparent Program. The volunteer of this program works with children from Cleveland County and positions are filled by Cleveland County residents over the age of 55. Service areas of the Foster Grandparent Program cover all of Cleveland County. Miss Caldwell said the program currently averages 55 active volunteers. The principle sites for volunteer stations are elementary schools, but volunteers also serve children through the following agencies:

- Cleveland County Schools – serving as mentors and tutors for children in Pre-Kindergarten, Kindergarten and 1st grade that have special or exceptional needs
- Cleveland County Boys’ and Girls’ Club – serving as mentors and tutors for elementary and junior high students
- Cleveland County Head Start – assisting in the socialization and remedial learning of pre-school age children
- Child-Care Centers (not-for-profit only) – serving children whose primary caregiver is a part of the federal Work First program and their fee is supplemented by the Department of Social Services

To conclude, Miss Caldwell stated the Cleveland County Foster Grandparent Program provides the opportunity for volunteers age 55 and over to make a lasting contribution to their community by mentoring children in nonprofit volunteer sites. The Foster Grandparent Program strives to provide opportunities for older adults to connect with children and youth in their community.

- a. Proclamation declaring April 1, 2014 as National Service Recognition Day in Shelby, North Carolina

Next Mayor Anthony recognized Miss Caldwell and the Foster Grandparent Program on its 25th anniversary of service in Cleveland County by formally reading and presenting a proclamation declaring April 1, 2014 as National Service Recognition Day in the City of Shelby.

C. Public Comment: None

D. Public Hearing:

1) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 12-2014

Utilizing a map of the Central Business (CB) District within and surrounding the Municipal Service District (MSD), Mr. Scharer presented the staff report. He stated an applicant submitted an application to amend the City's Unified Development Ordinance (UDO) to establish regulations for tattoo studios. Mr. Scharer explained the City of Shelby currently does not have any regulations concerning tattoo studios within the ordinance; however, the City has allowed tattoo studios as a permitted use in the General Business (GB) and General Business 2 (GB2) Districts as miscellaneous services not listed.

Mr. Scharer further stated the applicant's proposal would create a set of development standards for tattoo studios that permits the use within the GB, GB2, and CB zoning districts. The lone development standard requires that no tattoo studio may be within 500 feet from any other tattoo studio.

For discussion purposes, Mr. Howell clarified that CB, GB, and GB2 are zoning districts and the Municipal Service District (MSD) is a taxing district which includes the Uptown Shelby area.

Mr. Scharer added the Planning and Zoning Board reviewed the proposal and recommended the following as a zoning text amendment to the UDO:

- The creation of definitions for Tattoo Studios and Personal Grooming Services
- Zoning districts and zoning provisions to include Tattoo Studios
- Development standards for Tattoo Studios to allow Tattoo Studios in CB, GB, and GB2 Zoning Districts with the requirement that no Tattoo Studio may be closer than 500 feet to any other Tattoo Studio

Mayor Anthony opened the public hearing at 6:17 p.m. and invited comments from the public:

Jimmy Davis whose business location is 104 Gidney Street in Shelby, North Carolina spoke in support of his zoning text amendment application. Mr. Davis stated a tattoo studio by definition is referred to as a retail business and is regulated by the local health department for proper compliance, according to the laws that govern and regulate such a business. He said tattooing and having tattoos have in the past been associated with a negative connotation, however, that stereotype has been changing for many years,

becoming more common place in society and recognized as an art form. Allowing this zoning change will make it possible for him to bring more revenue and commerce to the Uptown Shelby area. Changing the zoning will also allow for his business to be more exposed to the community thus making potential customers more aware of all the services available at his business. Mr. Davis listed the services to be included in his business as airbrushing, painting, photography, tattooing, and body piercing. He is seeking to move his business to a more productive area of commerce. Mr. Davis also presented a petition in support of the proposed zoning amendment.

Mayor Anthony closed the public hearing at 6:21 p.m.

Discussion followed, leading Council to accept the proposed zoning text change with an amendment deleting the language allowing tattoo studios in the CB zoning district.

ACTION TAKEN: Upon a motion made by Mrs. Patterson, City Council voted unanimously to approve and adopt Ordinance No. 12-2014 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY", as amended.

E. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Bailey made a motion to approve the consent agenda and each item as presented. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of March 3, 2014
- 2) Approval of the Minutes of the Special Meeting of March 7, 2014
- 3) Approval of Special Event Permit Applications:
 - a. 30th Annual Dixie Rodders Car Show, requested date: June 14, 2014
 - b. 7th Inning Stretch Festival and 5K, requested date: August 9, 2014
 - c. 3rd Annual Step One 5K, requested date: September 6, 2014
- 4) Approval of a resolution authorizing exchange of property between the City of Shelby and the County of Cleveland: Resolution No. 14-2014

END CONSENT AGENDA

F. Unfinished Business:

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

a. Isothermal Planning and Development Commission (IPDC) Board of Directors

Mrs. Parduski previously reported at the last Council meeting that Mr. Amaya's term on this board will conclude April 2014. Mr. Amaya informed Council of his desire not to continue his service.

Mr. Hendrick nominated Talmadge C. Strickland IV for appointment to a new term concluding April 2017.

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

2) Consideration of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 9: Ordinance No. 13-2014

Mr. Howell reminded Council of the agreement between the City of Shelby and Greenheck Fan Corporation for an economic development incentive grant and related incentives which were approved in October 2013. Greenheck Fan has requested the disbursement of a one-time grant totaling \$150,000 awarded to the company as part of their manufacturing facility expansion, specifically after the commencement of grading at the site project. Mr. Howell stated the budget amendment transfers \$150,000 from the Gas Fund reserves to the Economic Development Fund to fulfill the City's commitment to Greenheck Fan, which met its initial obligation.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 13-2014 entitled, "FISCAL YEAR 2013-2014 BUDGET ORDINANCE AMENDMENT NO. 9".

G. New Business:

1) Consideration of a resolution supporting the North Carolina Department of Transportation's Division 12 State Transportation Improvement Plans submittal for intersection improvements to the intersection of NC 150 (Cherryville Road) and US 74 Business (East Marion Street): Resolution No. 13-2014

Mr. Howell introduced Resolution No. 13-2014 for Council's consideration.

If approved, it merely states the support of City Council for a proposed improvement project at one of the most congested intersections in Shelby which includes East Marion Street (US 74 Business), Cherryville Road (NC 150, and Peach Street. This resolution simply provides the documented local support for the project which is already a high priority for the North Carolina Department of Transportation (NCDOT). Mr. Howell noted that in the past the City has offered to consider providing funds for additional right-of-way acquisition if it would accelerate the project. This may be the case again and the opportunity may arise in which the City would be asked to reconsider this to move the project forward. However, no funding commitment is sought at this time.

Next, Mr. Scharer stated NCDOT Division 12 has identified this intersection as a serious need and is proposing to submit this intersection improvement project as a Regional Transportation Project (second tier of the Strategic Prioritization Office of Transportation (SPOT) funding under the Mobility Formula) in the next State Transportation Improvement Plan (STIP). This intersection project qualifies as a Regional project due to it being the intersection of a State highway and a Federal highway. When scoring transportation projects, the State considers local support and, most notable, a willingness to provide a local match to a project. NCDOT has approached City staff about the possibility of the City of Shelby providing funds for any right-of-way (ROW) acquisition that may be needed for this potential project. Mr. Scharer reiterated the proposed resolution does not commit any funding by the City of Shelby.

Mr. Scharer added if the project scores well enough to make it into the STIP, NCDOT will begin designing the project. Only after considering design options will the City be asked to commit to ROW acquisition funding.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adopt and approved Resolution No. 13-2014 entitled, “A RESOLUTION SUPPORTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION’S DIVISION 12 STATE TRANSPORTATION IMPROVEMENT PLANS SUBMITTAL FOR INTERSECTION IMPROVEMENTS TO THE INTERSECTION OF NC 150 (CHERRYVILLE ROAD) AND US 74 BUSINESS (EAST MARION STREET)”.

H. City Manager’s Report:

- 1) Mr. Howell updated Council regarding the Space Needs Study for the Shelby Police Department. Currently the space needs are under review and assessment again due to recent comments received from the Commission on Accreditation for Law Enforcement Agencies, Inc.

(CALEA). The specifics will warrant further discussion with Council in the very near future.

- 2) Mr. Howell informed Council the First Broad River Wastewater Treatment Plant Upgrades Project is in the bidding process and has been delayed in order to secure as many competitive bids as possible.
- 3) Mr. Howell said there continues to be very positive activity surrounding the Shell Building No. 2 at the Foothills Commerce Center, anticipating a sale in the not too distant future.
- 4) Mr. Howell confirmed the City has received its group medical insurance renewal from the Municipal Insurance Trust of North Carolina through the North Carolina League of Municipalities from its current provider, Medcost, at a 30 percent increase, which equates to an additional cost of \$660,000 per year. The City sought additional bids and received only one response. He will continue to evaluate the City's options throughout the budget process; however, it does not appear favorable to the City or unexpected, considering the significant utilization and number of catastrophic claims from the previous year.

I. Council Announcements and Remarks:

- 1) Mr. Kittrell congratulated City employees again for their recent United Way recognition, the 2013 Spirit of North Carolina Award for Campaign Excellence.

Mr. Kittrell participated in his first Keep Shelby Beautiful community litter sweep held on March 15, 2014.

- 2) Mayor Anthony mentioned the City Council annual retreat held on March 7, 2014, expressing his appreciation to all involved for the productive session.

J. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of March 3, 2014
- 2) To conduct the annual performance evaluation of the City Clerk pursuant to North Carolina General Statute 143-318.11 (a) (6)

ACTION TAKEN: Mr. Bailey made a motion to enter into a closed session to conduct the annual performance evaluation of the City Clerk pursuant to the

appropriate North Carolina General Statute as cited. Council consulted with Mr. Yelton who advised the topics met the statutory requirements for a closed session. The motion passed unanimously. The Mayor invited all Council members present and Mrs. Parduski to attend.

Council moved into the closed session at 6:44 p.m.

Council returned to the regular session at 7:23 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 7:24 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

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