

MINUTES

Regular Meeting
City Hall Council Chamber

August 7, 2017
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Dennis C. Bailey, Ben Kittrell, Dicky Amaya; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Director of Finance Justin S. Merritt, MPA, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Walter (Walt) Scharer, AICP

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 Mr. Kittrell led the *Pledge of Allegiance*.

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, Executive Director

Miss Whetten stated her presentation included a quarterly update as well as an annual review of Fiscal Year 2016-2017. She acknowledged Fred Blackley, past President of USA's Board of Directors, in attendance.

Miss Whetten provided a recap of USA's projects by highlighting the following categories: Aesthetics, business, and promotions. Under aesthetics, she discussed façade grants, citing the window project at Hats Off Salon, 210 South Lafayette Street, and the mural at 217 East Marion Street near the Rogers Theater. Under business, Miss Whetten stated there are ongoing efforts with regard to business development, inclusive property owner outreach, an evolving recruitment package, and working with the Certified Entrepreneurial Community (CEC) Program. Under promotions, USA is developing its marketing plan, utilizing Google Maps (a project

spearheaded by the Cleveland County Memorial Library) and Trip Advisor, and conducting post-event surveys.

Next, Miss Whetten highlighted and discussed current projects which included communicating with Uptown stakeholders about ongoing infrastructure construction in the Uptown District, researching a public art project for the Uptown District, strategically increasing emphasis on marketing efforts, rolling out the Uptown Shelby swag to strengthen the brand, and photographing every building and vacant lot for a photo inventory as a baseline document.

Miss Whetten announced the following upcoming events:

- Uptown Sidewalk Sale, August 9, 2017 – a new event to be held in conjunction with the Host City Welcome event sponsored by the American Legion World Series Office
- Second Saturdays – August 12, September 9, and October 15, 2017
- Art Walks in partnership with the Arts Council – August 17 and October 26, 2017
- Shelby Alive last concert – August 24, 2017
- Seeds to Silverware Dinner and Fundraiser – September 30, 2017

Miss Whetten summed up the focal points of the 2017 NC Main Street Conference hosted in Shelby during the month of March:

- Attendance included 600 guests from 140 municipalities across North Carolina and other states
- Guests extended their hotel stays
- Uptown Shelby restaurants were busy and full
- Positive retail impact
- Good traffic to Uptown Shelby destinations
- Glowing reviews were received

Miss Whetten added two local projects received NC Main Street Awards: 2016 Best Outdoor Space Improvement – City Pavilion and 2016 Best Adaptive Reuse – Newgrass Brewing Company.

Miss Whetten shared and discussed the 2016-2017 Uptown Shelby growth statistics as follows:

- Four façades refurbished
- Nine buildings renovated
- Eleven net new businesses

- 1,200 volunteer hours equating to \$27,600 of value to the USA organization
- \$1,771,200 in private investment

Miss Whetten also reviewed Uptown Shelby's business growth experienced in 2016-2017 as follows:

- New businesses – 21
- Expanded businesses – 2
- Opening in 2017-2018 – 6

Lastly, Miss Whetten provided a table listing property and business investments for 2016-2017 for review and discussion purposes.

Miss Whetten concluded her presentation by expressing her appreciation for the City's support of USA's endeavors.

C. 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 June 19, 2017
- 2) Approval of Special Event Permit Applications:
 - a. American Legion Walk for Veterans, requested date: August 9, 2017
 - b. Harvest Moon 5K, requested date: September 29, 2017
 - c. Don Gibson Theatre Annual Fundraiser, requested date: November 11, 2017
- 3) Approval of a resolution approving a Lease Agreement between the City of Shelby and Creative Sign Service, Inc. for property located at the intersection of East Marion Street and Kemper Road: Resolution No. 50-2017
- 4) Approval of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year 2017-2018: Resolution No. 51-2017
- 5) Approval of a resolution approving an agreement for a Community Development Block Program Economic Development Grant by the North

Carolina Department of Commerce: Resolution No. 52-2017

- 6) Approval of a resolution approving an agreement for a Rural Economic Development Agreement from the Industrial Development Fund Utility Account by the North Carolina Department of Commerce: Resolution No. 53-2017

END CONSENT AGENDA

D. Unfinished Business:

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

a. **Shelby Cleveland County Regional Airport Advisory Board**

Mrs. Parduski reported the terms of four incumbents concluded February 2017. Incumbents, Eric Bester, Paul Hounshell Jr., and Billy Wright, are seeking reappointment. Incumbent, James Sanders, wishes to conclude his service, which creates one vacancy. There are no applications on file in the Clerk's Office at this time.

Mr. Amaya nominated Eric Bester, Paul Hounshell Jr., and Billy Wright for reappointment.

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

b. **Shelby Housing and Redevelopment Advisory Board**

Mrs. Parduski reported the terms of three incumbents concluded March 2017. Keith Hawkins, Sharon Leigh, and Andrew Hopper Sr. are seeking reappointment. There are no applications on file in the Clerk's Office at this time.

Mr. Kittrell nominated Keith Hawkins, Sharon Leigh, and Andrew Hopper Sr. for reappointment.

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

c. Alcoholic Beverage Control Board

Mrs. Parduski reported the terms of two incumbents concluded April 2017. Both Gerald Weathers and Andrew Hopper Sr. wish to continue their service.

There are two applications on file in the Clerk's Office as follows:

- **James (Jim) Martin**
- **Sallie M. Craig**

Mr. White nominated Gerald Weathers for reappointment and Sallie Craig for appointment.

Mr. Hendrick nominated Jim Martin for appointment.

Mr. Kittrell nominated Andrew Hopper Sr. for reappointment.

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to close the nominations.

Council cast the following votes:

Gerald Weathers received five (5) affirmative votes (Hendrick, White, Causby, Bailey, and Kittrell).

Sallie Craig received three (3) affirmative votes (White, Causby, and Amaya).

Jim Martin received three (3) affirmative votes (Hendrick, Bailey, and Amaya).

Andrew Hopper Sr. received one (1) affirmative vote (Kittrell).

In order to break the tie vote between Sallie Craig and Jim Martin, Mayor Anthony voted for Sallie Craig, who then received four (4) affirmative votes (Anthony, White, Causby, and Amaya).

By consensus, Council reappointed Gerald Weathers and appointed Sallie Craig to new terms.

d. Isothermal Planning and Development Commission Board

Mrs. Parduski reported the Isothermal Planning and Development Commission (IPDC) Board has informed the City of Shelby that the term of its

current appointee, Talmadge Strickland, has expired in April 2017. The Board has requested Council consider the appointment of a new representative for a term concluding April 2020.

Following discussion, Mr. Kittrell volunteered for the IPDC Board position.

Mr. Amaya nominated Mr. Kittrell.

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

E. New Business: None

F. City Manager's Report:

- 1) Mr. Howell reported the Rail Trail Steering Committee met and began its work on July 17, 2017. As part of the process, the committee will schedule four public workshops in the near future.
- 2) Mr. Howell provided a brief progress report on the Hanna Park Project, the US 74 Gateway Improvements Project, the 911 Communications Center Addition Project at the Police Department, the 74 Bypass Natural Gas Lines Relocation Project, Uptown Shelby Electric Project, and the Fallen Hero Memorial Park Project.
- 3) Mr. Howell updated Council regarding the City's infrastructure projects relating to Clearwater Paper Corporation's expansion and stated they are on track and moving along well. He anticipated the bidding process will take place in October or November 2017. Mr. Howell mentioned the site plan has changed considerably at this point. He added per the terms of the economic development agreements, all parties have committed to the schedule of monthly infrastructure construction meetings.
- 4) With regard to the Uptown Shelby Water and Sewer Improvements Project, Mr. Howell reported a second round of bidding was necessary and those bids will open on August 8, 2017.
- 5) Mr. Howell reported the Grover Morgan Waterline Project is 70 percent complete and anticipated to be completed by the end of 2017.
- 6) Mr. Howell said that due to bidding considerations the Shelby Cleveland County Regional Airport Runway Overlay Project will be delayed until Spring 2018.

- 7) With regard to the sewer rehabilitation work completed on Sumter Street and Graham Street, Mr. Howell stated he is working with the contractor to resolve the issues. The contractor will be held accountable to return and repair the subpar construction, which is under warranty.
- 8) Mr. Howell reminded Council of a request received from Jamie Coulter, the owner of Dragonfly Wine Market, who would like to serve both malt beverages and wine at his shop, qualifying as a bar. Mr. Howell explained the matter involves a City zoning issue. Currently, bars and private clubs must meet certain standards for separation and setbacks in the Uptown Shelby District. City staff has researched the issue and has been directed to develop standards that may differ from district to district. Mr. Howell said it will be studied by the Planning and Zoning Board prior to consideration by Council.

G. Council Announcements and Remarks:

- 1) Mayor Anthony reviewed the schedule of pre-game events associated with the American Legion World Series (ALWS), encouraging Council members to attend the following:
 - National Commander's Reception – August 8, 2017 at 6:00 p.m., LeGrand Center
 - Host City Welcome – August 9, 2017 at 5:15 p.m., Washington Street, Uptown Shelby
 - Miss America Reception – August 12, 2017 from 10:00 a.m. to 12:00 noon, Don Gibson Theatre
- 2) Mayor Anthony announced and congratulated City Clerk Bernadette A. Parduski who was recently awarded her second designation as North Carolina Certified Municipal Clerk (NCCMC) by the School of Government of the University of North Carolina at Chapel Hill and the North Carolina Association of Municipal Clerks.
- 3) Mr. Bailey reported the walkover bridge above the 74 Bypass needs to be cleaned up from graffiti, litter, etc.

Mr. Kittrell added his concern about the appearance of the landscaping along the Bypass.

Mr. Howell responded the landscaping was installed by the North Carolina Department of Transportation (NCDOT) and is almost impossible to maintain by City staff. He suggested the landscaping be removed and

returned to grass, which can then be mowed and maintained by the City. Mr. Howell said he will follow-up with DOT about the bridge and the landscaping issues.

- 4) Mr. Kittrell reported receiving complaints about trucks applying the engine braking method through the residential areas of Dixon Street.

Mr. Howell explained engine braking can be prohibited because of the loud noise it creates. He said NCDOT permits a municipality to amend its noise ordinance, install the warning signs, and provide enforcement. Mr. Howell will draft an amendment to the City's noise ordinance for Council's consideration.

Mr. Kittrell raised the issue of extending the restriction of trucks to the right lane along the US 74 Bypass.

Mr. Howell will discuss this concern with NCDOT.

H. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of June 5, 2017
- 2) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina, not considered a public record within the meaning of Chapter 132 of the General Statutes, pursuant to General Statute 143-318.11 (a) (1)

ACTION TAKEN: Mr. Bailey made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topics met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 7:06 p.m.

Council returned to the regular session at 7:35 p.m.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:36 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of August 7, 2017