

## MINUTES

Regular Meeting  
City Hall Council Chamber

October 21, 2013  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Joel R. Shores, Jr., and Dicky Amaya; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, NCCMC, MMC, Director of Finance Justin S. Merritt, MPA, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, MPA, 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., welcomed all who were in attendance, and recognized former Mayor Ted Alexander in attendance. The Mayor gave the invocation and Mr. Shores led the *Pledge of Allegiance*.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Special Presentations:**

- 1) Presentation of Pro Football Hall of Famer Bobby Bell's Hometown Hall of Famers road signs – David Allen, Principal, Shelby High School

Mr. Allen provided information regarding an upcoming ceremony and reception to be held at Shelby High School on November 1, 2013 at 1:15 p.m. in the form of an invitation to Mayor Anthony and Council members. He said the event is billed as a dedication and pep rally honoring Pro Football Hall of Famer Bobby Bell who was born in Shelby, attended the former Cleveland High School, and designated Shelby High School as his local school. The Pro Football Hall of Fame and Allstate Insurance Company are partners in the Hometown Hall of Famers, a national program that honors the hometown roots of the sport's greatest players with special ceremonies and plaque dedication events in local communities such as the one planned for November 1. Following the dedication, Bobby Bell's plaque will be

permanently exhibited at Shelby High School. In addition to the plaque, each community receives two commemorative Hometown Hall of Famer road signs, which Mr. Allen presented to the City of Shelby, to display in town.

**2) Uptown Shelby Association (USA) update – Audrey Whetten, Executive Director**

After seven weeks on the job as the new Executive Director of USA, Miss Whetten provided an overview of recent, ongoing, and upcoming efforts, including events, projects, and partnership-building. She acknowledged USA's board members and staff members in attendance and expressed her appreciation for their support.

Miss Whetten stated the most recent USA events included the successful 2013 season of the Alive After Five concert series and the Mush, Music & Mutts Livermush Festival held just this past weekend.

Miss Whetten reviewed the schedule of USA's upcoming holiday events which include A Taste of the Holidays, the tree lighting ceremony which coincides with the first evening of the carriage rides (November 29), and the luminaries around the Court Square, the annual fundraiser which will culminate the final evening of the carriage rides (December 20). The highlight of the season is the annual Uptown Shelby Christmas Parade, set for December 15, 2013.

Next Miss Whetten mentioned recent projects namely the USA Board Retreat held in October with City representatives, Rick Howell and Walt Scharer, in attendance. She also included the ongoing maintenance of the Christmas lights with assistance from the City's Electric Department.

By way of introductions, Miss Whetten is establishing relationships with each Uptown business by walking door-to-door and updating USA's business database during this process. Currently, she is developing a database of properties available for lease or sale in order to facilitate filling these spaces. Miss Whetten has begun a series of electronic updates for Uptown businesses, employees in Uptown Shelby, as well as a general interest newsletter for the community. Lastly USA will begin a special marketing blitz for the fourth quarter and holiday season with a focus on drawing residents and visitors to Uptown to experience the variety of high quality offerings in the district.

Miss Whetten has been invited to attend the meetings of many of USA's partners including but not limited to Destination Cleveland County, Foothills Farmers' Market, Cleveland County Business Development Center, Cleveland

County Arts Council, Historic Shelby Foundation, Keep Shelby Beautiful Commission, Raper-Roark Trust Fund Board of Governors, Cleveland County Chamber, etc.

Miss Whetten concluded her presentation by providing her contact information and encouraging feedback and/or questions.

**C. Public Comment:**

- 1) Bill Gray who resides at 802 Elmwood Drive in Shelby, North Carolina provided post-election commentary, stating being a Shelby City Council Member is a complicated job and expressing his appreciation to those who serve. He also mentioned several points of interest from Council's discussion held on September 16, 2013 related to the Shelby Police Department Roof Replacement Project.
- 2) John Laughlin who owns Laughlin's Furniture Warehouse located at 400 North Lafayette Street in Shelby, North Carolina spoke in support of the proposed local historic landmark designation for the Banker's House. The Banker's House is situated across the street from his business. Mr. Laughlin said the house is an attraction which brings a great number of people, including families with children, to Uptown Shelby for sightseeing and photographic opportunities. Due to its popularity among visitors to Shelby, Mr. Laughlin referred to the Banker's House as a "blessing for the City".

**D. Public Hearings:**

- 1) Consideration of an ordinance designating a local historic landmark – The Banker's House: Ordinance No. 35-2013

Mr. Scharer introduced Ordinance No. 35-2013 for Council's consideration. Local governments in North Carolina, both counties and municipalities, can choose to take advantage of state enabling legislation that allows them to create historic preservation commissions and to designate local historic districts and landmarks. Mr. Scharer stated since 2005 the Cleveland County Historic Preservation Commission has served as the Historic Preservation Commission for the City of Shelby through an interlocal agreement. Local designation is conferred by a local governing board following a recommendation by its preservation commission. Mr Scharer explained landmark designations may apply to individual buildings, structures, sites, areas, or objects which are studied by the commission and judged to have historical, architectural, archaeological, or cultural value.

Accordingly, Preservation North Carolina has submitted a Historic Landmark Designation Application for the Banker's House to the Cleveland County Historic Preservation Commission, which is the subject matter for this public hearing.

Mr. Scharer pointed out a landmark designation has two main consequences:

- An owner who wishes to make changes to a property designated as a historic landmark must first have the plans reviewed and approved by the commission and by applying for a certificate of appropriateness.
- The owner of a designated landmark property may apply for an annual 50 percent property tax deferral for as long as the property's important historic features are retained.

Mr. Scharer added when a property is designated as a historic landmark, the designation is filed with the title to the property. Future owners of the property are subject to the designation unless it is revoked. Also, local designation should not be confused with listing in the National Register of Historic Places, which is a federal program administered by the state. Although some properties may carry both types of designation, the National Register and local designation are totally separate programs with different requirements and benefits.

Mayor Anthony opened the public hearing at 6:22 p.m. and invited comments from the public:

John Allen, who represented the Bank of the Ozarks, formerly First National Bank, as trustee of the fund that supports the operation of the Banker's House as well as Catherine Blanton Freedberg and Lydia Blanton Matthews, spoke in support of the Historic Landmark Designation Application for the Banker's House.

Ted Alexander who resides at 409 Beaumonde Avenue in Shelby, North Carolina is the Western Regional Director of Preservation North Carolina, the owner of the Banker's House, spoke in support of its Historic Landmark Designation Application. Mr. Alexander stated the Banker's House is among the state's finest examples of the Second Empire Style. Prominent members of the banking profession in Shelby have consistently owned the house since its construction in 1874. In 1975 Mrs. Nancy Blanton commissioned a study to nominate the house to be listed in the National Register of Historic Places. The Blanton family also worked with Preservation North Carolina to place restrictive covenants on the house to insure it would be protected and continue to be an enduring monument to the heritage of Cleveland County.

Mr. Alexander requested Council's favorable consideration of the proposed application.

Mayor Anthony closed the public hearing at 6:25 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 35-2013 entitled, "AN ORDINANCE DESIGNATING A LOCAL HISTORIC LANDMARK – THE BANKER'S HOUSE".

2) Consideration of an ordinance designating a local historic landmark – El Nido: Ordinance No. 36-2013

Mr. Scharer introduced Ordinance No. 36-2013 for Council's consideration. Preservation North Carolina has also submitted a Historic Landmark Designation Application for El Nido at 520 West Warren Street to the Cleveland County Historic Preservation Commission, which is the subject matter for this public hearing.

Mr. Scharer reiterated his previous comments relating to the Banker's House apply to El Nido as well.

Mayor Anthony opened the public hearing at 6:26 p.m. and invited comments from the public:

Ted Alexander who resides at 409 Beaumonde Avenue in Shelby, North Carolina is the Western Regional Director of Preservation North Carolina, the owner of El Nido, spoke in support of its Historic Landmark Designation Application. Mr. Alexander stated the Gibbs House, known as El Nido is Spanish for "The Nest". It is an extremely rare example of a Spanish Mission/California style bungalow in North Carolina. The property also has National Register status and is located in both the Central Shelby Historic District and the West Warren Historic District. In 1994 Evelyn Gibbs entered into an agreement with the Historic Preservation Foundation of North Carolina for the preservation of El Nido. Currently El Nido has a resident-curator, Dr. Rebecca Love, who also supports the proposed historic landmark designation.

Mayor Anthony closed the public hearing at 6:30 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 36-2013 entitled, "AN ORDINANCE DESIGNATING A LOCAL HISTORIC LANDMARK – EL NIDO".

**E. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mr. Amaya 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 October 7, 2013
- 2) Approval of Special Event Permit Applications:
  - a. Holiday Horse and Carriage Rides, requested dates: November 29, December 6, 13, and 20, 2013
  - b. Shelby Christmas Parade, requested date: December 15, 2013
  - c. Faith Harvest Church Life Night, requested date: October 31, 2013
- 3) Approval of a resolution honoring Stanley Bettis on the occasion of his retirement from employment with the City of Shelby: Resolution No. 65-2013
- 4) Approval of a resolution certifying review of the proposed 2014-2020 Transportation Improvement Program (TIP) for the Division of Aviation for State Aid to Airports: Resolution No. 66-2013
- 5) Adoption of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 5: Ordinance No. 37-2013
- 6) Adoption of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 6: Ordinance No. 38-2013

**END CONSENT AGENDA**

**F. Unfinished Business:** None

**G. New Business:**

- 1) Consideration of an ordinance amending Chapter 16, Article III (Nuisances) of the City of Shelby Code of Ordinances: Ordinance No. 39-2013

Mr. Scharer introduced Ordinance No. 39-2013 for Council's consideration. As background information, he stated in 2009 the General Assembly amended North Carolina General Statute 160A-200 to allow all municipalities

in North Carolina to adopt special nuisance provisions for chronic violators of a municipality's overgrown vegetation ordinance. The City of Shelby amended its nuisance code to help target chronic violators of overgrown vegetation. Mr. Scharer added the North Carolina General Assembly in its recent session expanded upon this statute to include all nuisances found in a given municipality and modified the statute to trigger a chronic violation notice based upon issuance of Notices of Violation. Senate Bill 211 defines a chronic violator as a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance.

Mr. Scharer recommended Council's approval of this proposed amendment.

Council discussion ensued about the City's animal waste ordinance relating to sanitation, enforcement, citations, and signage.

Staff noted the city can, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action will become a lien upon the property and can be collected as unpaid taxes.

**ACTION TAKEN:** Upon a motion by Mr. Mabry, City Council voted unanimously to adopt and approved Ordinance No. 39-2013 entitled, "AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III (NUISANCES) OF THE CITY OF SHELBY CODE OF ORDINANCES".

#### H. City Manager's Report:

- 1) Mr. Howell provided a brief review of the City's Monthly Financial Summary of the Fiscal Year to date at September 30, 2013, noting the sales tax collections as steady and the utility revenues subject to seasonal weather changes.
- 2) Mr. Howell provided a brief update on the Job Ready Shell Building No. 2 Project which is moving forward with the panels and roof construction and is on track for a completion date anticipated for January 2014.
- 3) Mr. Howell provided an update on the completion of the Street Resurfacing Program, along with the striping of parking spaces, turning lanes, turning arrows, etc. of those newly paved roads. He also mentioned the update of the Asset Management Plan relating to transportation and the street system, which is similar in scope to the City of Shelby Water and Sewer Asset Management Plan.

Mr. Amaya requested staff consider striping the road near Washington Street and Lafayette Street leading into the curve, which he considers a dangerous spot to travel.

**I. Council Announcements and Remarks:**

- 1) Mrs. Patterson reminded all today was the start of Fall Bulky Item Pick-up by the City's Solid Waste Department, which runs through October 24, 2013. The City does not pick up items such as appliances, electronics, televisions, tires, building materials, paints, oils, and batteries. These items may be taken to the Cleveland County Landfill or Recycling Centers. Additional information is available at the City's website or by calling the Customer Service Department.
- 2) Recognizing USA Board members in attendance, Mayor Anthony expressed his appreciation for their work in Uptown Shelby and shared that Governor McCrory made complimentary remarks about Shelby's Uptown District during his recent visit.
- 3) The Mayor mentioned that he and Mr. Bailey attended the North Carolina League of Municipalities (NCLM) Annual Conference on October 14 and 15, 2013 in Hickory, North Carolina, where he attended a School of Government session to learn the best practices of land use planning and zoning. He encouraged Council members and staff to review the conference materials online.
- 4) Mr. Bailey presented and reviewed his three ideas garnered from the League Conference:
  - Instant runoff voting elections
  - NCLM Wellness Initiative with health screenings and assessments
  - Waste Zero with a Pay As You Throw Program

Mr. Bailey requested staff research the above and provide additional information for Council's review.

- 5) Mr. Amaya reported on the success of the Shelby-Cleveland County Regional Airport Fly-in and Open House on October 19, 2013, despite the rainy conditions that day. He suggested more website information needs to be available promoting Uptown amenities to those who utilize the airport facility.
- 6) Mr. Shores reported he received complaints about the recent City election and requested a change in both the date and method should be considered by Council.

At the Mayor's request, Mr. Yelton briefly outlined the procedure and process for amending the City's election. Discussion followed.

- 7) Mr. White expressed his appreciation to Hill Hudson and Jay Gragg for hiring USA's new Executive Director and for providing information about the organization and the Uptown Shelby District.
- 8) Mr. Mabry requested Council discuss Shelby's gateways especially the signage located on the east and west entrances to the City. Discussion followed and included suggestions and priorities. Mayor Anthony stated the City of Shelby only gets one chance to make a first impression. Staff will prepare a proposal for Council's consideration.
- 9) Mayor Anthony announced the 2013 North Carolina Public Power Awards of Excellence in the key areas of Competitive Business Environment, Energy Efficiency, Financial Stability, and Service Excellence were awarded at the ElectriCities' annual conference in August 2013, which recognized the efforts by the City of Shelby.

The Mayor expressed his appreciation to City employees for making these recognitions possible.

**J. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Shores, City Council voted unanimously to adjourn the meeting at 7:11 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor