

**MINUTES**

Regular Meeting  
City Hall Council Chamber

August 6, 2018  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Department Walter (Walt) Scharer, AICP

**Absent:** Council Member Eric B. Hendrick

**Clerk's note:** There is a vacancy for the unexpired term of the Ward 5 seat on City Council, which exists due to the resignation of Mr. Kittrell on July 30, 2018.

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. Causby led the *Pledge of Allegiance*.

**A. Approval of agenda:**

**1) Motion to adopt the proposed agenda**

Mayor Anthony requested the addition of a public comment period after the approval of the agenda, allowing David Royster to make a statement regarding the Royster Memorial Golf Course.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve the agenda as amended.

**2) Public Comment:**

David Royster who resides at 212 Fairway Drive in Shelby, North Carolina read a prepared statement on behalf of the Royster, Taylor, and Wilkins families:

“The land given by Dr. S.S. Royster and family to the Shelby City Parks was intended for a community center, ball fields, swimming pool and a golf course. The deeds stipulate that parts of the gifted land could be used for

various recreational purposes but that a specific part was restricted to use only as a golf course. We believe that restriction was put in place for a purpose.

In reviewing newspapers from the time of the gift it was stated that the golf course would be something enjoyed by both men and women. That is still true today and now it is enjoyed by seniors, adults, men, women, and children of diverse backgrounds. It is and has always been a feeder program for young golfers in the area. During the last few weeks we have heard countless stories from people of all ages that learned to play golf there and had it not been there they wouldn't have learned golf at all.

The city council has focused on the number of rounds played but consider other golf course benefits:

- It is a City Employee benefit to play - all city employees pay no green fees, only cart fees if they choose
- It is the Shelby Middle School Home course
- There were four 2 week sessions for junior golfers this summer which averaged 25 kids per session
- The Boys and Girls Club brings youth to learn to play each year
- Holly Oak Park brings youth to learn to play each year
- Children's Home has brought kids to learn play
- There is a growing year round Jr Golf Program
- Additional new programming includes popular night golf and more tournaments such as the father-son tournament which was sold out and the family tournament held yesterday
- The course has been the fundraising mechanism for Friends of the Parks for the last 7 years. Friends have been supported by many people in the area including our family.
- Funds raised include \$30,000 with a city match for renovated tennis courts, \$10,000 with a \$40,000 match for the new All Aboard playground. Friends of the Parks funds the 4th Graders Christmas party and a host of other needs that the city doesn't have in the budget. In recent years this has included football helmets, t shirts, baseball mounds, Holly Oak improvements and improvements to the golf course. Just this afternoon Friends voted to donate \$10,000 toward a new playground at Holly Oak Park.
- It is a part of a typical tour of the city for economic development, prospective residents, and more
- Every alternative use suggested for the current golf course can be done, in many cases much better, on other existing parks properties which would improve and connect those neighborhoods within the city.

The Royster family firmly believes the golf course is as important and relevant today as ever and we support the deed restriction as it was originally intended.”

Mr. Royster’s letter dated August 6, 2018 is hereby incorporated herein and made a part of these Minutes.

**B. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mr. White 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 July 16, 2018
- 2) Approval of a resolution naming a section of the Carolina Thread Trail in honor of Carl Spangler: Resolution No. 37-2018
- 3) Approval of a resolution authorizing selection of WHN Architects PA based on qualifications for the Job Ready Shell Building No. 3 Project: Resolution No. 38-2018
- 4) Approval of a resolution to modify Natural Gas Rebate Program: Resolution No. 39-2018
- 5) 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. 40-2018
- 6) Approval of a resolution approving an application by the City of Shelby Police Department to the US Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 41-2018
- 7) Adoption of an ordinance authorizing demolition of a dwelling (112 Palmer Street): Ordinance No. 44-2018
- 8) Adoption of an ordinance authorizing demolition of a dwelling (412 Orange Street): Ordinance No. 45-2018
- 9) Adoption of an ordinance authorizing demolition of a dwelling (419 Orange Street): Ordinance No. 46-2018

- 10) Adoption of an ordinance authorizing demolition of a dwelling (424 Orange Street): Ordinance No. 47-2018
- 11) Adoption of a budget ordinance amendment for the City of Shelby's Fallen Hero Memorial Park Project: Ordinance No. 48-2018
- 12) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

### END CONSENT AGENDA

#### C. Unfinished Business:

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

###### a. Parks and Recreation Advisory Board

Mrs. Parduski reported the terms of four incumbents, Wesley "Ty" Gantt, Bill Young, Michael Shawn Collins, and Shanda Hoskins, concluded July 2018. Mr. Young, Mr. Collins, and Mrs. Hoskins are seeking reappointment to this board. Mr. Gantt does not wish to continue his service.

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

- Richard Baker, Jr.
- Juan Cherry
- Darrell Gerald

Mr. White nominated incumbents, Bill Young, Michael Shawn Collins, and Shanda Hoskins, for reappointment and Juan Cherry for appointment to a new term, all concluding July 2021.

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

##### 2) Discussion regarding Royster Memorial Golf Course

Because the issue has generated passionate arguments on both sides, Mr. Howell suggested further discussion on the topic. He recommended Council take the opportunity to schedule a subject-specific workshop as a special meeting for vetting the issues, ultimately leading to an agreeable consensus regarding Council's next steps for Royster Memorial Golf Course.

It was noted Mr. Yelton is conducting research and is expected to provide a full legal review at the proposed special meeting.

**ACTION TAKEN:** Upon a motion by Mr. Amaya, City Council voted unanimously to schedule a Special Meeting on September 10, 2018 at 6:00 p.m. in City Hall Council Chamber for the express purpose of discussing the Royster Memorial Golf Course.

**D. New Business:**

**1) Discussion regarding City Council Ward 5 vacancy**

Mayor Anthony acknowledged the resignation of Council Member Ben Kittrell, Jr. effective July 30, 2018. The Mayor explained North Carolina General Statute 160A-63 authorizes a vacancy that occurs in an elective office of a city to be filled by appointment of the City Council. However, it does not prescribe the actual process to be followed by City Council. As such and for discussion purposes, the Mayor proposed a public notice and timeline similar to the process used for the Ward 2 vacancy which was filled in August 2009, the Ward 4 vacancy which was filled in April 2010, and the Ward 1 vacancy which was filled in February 2014.

After discussion, Mayor Anthony reviewed the proposed timeline as follows:

September 6, 2018 at 5:00 p.m. – All letters of interest and applications for the Ward 5 vacancy are due in the Office of the City Clerk. Letters and applications will be accepted in person, by mail, or electronically. Letters and applications received after 5:00 p.m. will not be considered by City Council.

September 10, 2018 – City Clerk copies and distributes letters of interest and related documents to City Council. The information of the applicants will be released to the media and public at this time as well.

September 17, 2018 Regular City Council Meeting – Consideration of applicants' qualifications and possible appointive action by Council.

October 1, 2018 or October 15, 2018 Regular City Council Meeting – Oath of Office administered to newly appointed member of City Council.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to establish an application period for the Ward 5 City Council vacancy beginning August 6, 2018 through September 6, 2018 at 5:00 p.m. to

allow qualified applicants to submit letters of interest and applications to the City Clerk for Council's consideration.

For clarification purposes, it was noted each candidate must be a registered voter and must reside within the boundaries of Ward 5. The appointee will serve until Shelby's next municipal election and the unexpired term will conclude December 2019.

**E. City Manager's Report:**

- 1) Mr. Howell reported the Shelby Cleveland County Regional Airport Runway Overlay Project is ongoing with an anticipated completion date and runway reopening of August 13, 2018.
- 2) With regard to the Uptown Water and Sewer Infrastructure Project, Mr. Howell stated starting today, August 6, 2018, North Lafayette Street will be closed to one lane of traffic in each direction from Marion Street to Sumter Street, weather permitting. On August 8, 2018 construction crews will close all lanes in this block to install a new water line. Once the construction equipment is moved to this section, East Marion Street will reopen to traffic.
- 3) Mr. Howell anticipated the opening and dedication event for the new Hanna Park will be scheduled in November 2018 due to construction delays caused by weather conditions.
- 4) Mr. Howell mentioned the newly approved Resolution No. 37-2018 naming a trail section for the late Carl Spangler. Mr. Spangler was one of the original board members of the Carolina Thread Trail, who tirelessly advocated for the development of trails and recognized their impact on community health and quality of life, including the First Broad River Trail.
- 5) Mr. Howell announced the initial ribbon cutting for the Clearwater Paper Company expansion project will be held on August 23, 2018 at 2:00 p.m.

**F. Council Announcements and Remarks:**

- 1) Mayor Anthony commemorated the passing of Boyce Hanna on August 5, 2018. Mr. Hanna's funeral will be held on August 7, 2018 at 5:00 p.m. at Aldersgate United Methodist Church.
- 2) Mayor Anthony invited all to attend National Night Out sponsored by the Shelby Police Department on August 7, 2018 between the hours of 6:30 p.m. and 8:30 p.m. at City Pavilion, 126 West Marion Street.

- 3) Mayor Anthony announced the American Legion Post 82 will hold its third Walk for Veterans on August 15, 2018 in connection with the American Legion World Series. The walk will begin at 9:00 a.m. and will start from the south side of the Earl Scruggs Center to the Don Gibson Theatre and back.

**G. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:30 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of August 6, 2018