

## **REGULAR SESSION OF FEBRUARY 22, 2022**

The City of Kings Mountain, North Carolina met in Regular Session at 6:00 p.m. on Tuesday, February 22, 2022 in the Council Chambers of City Hall with Mayor Scott Neisler presiding.

### **ATTENDANCE**

The following Councilmembers were present: Annie Thombs, Keith Miller, Mike Butler, Tommy Hawkins, Jimmy West, Jay Rhodes and David Allen.

Also, present: Mickey Corry, City Attorney, Marilyn Sellers, City Manager and Karen Tucker, City Clerk.

### **INVOCATION**

The invocation was given by Reverend Jeff Longwell, Penley's Chapel, Kings Mountain.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Neisler.

### **AGENDA ADOPTION**

Mayor Neisler asked that the budget amendment in the amount of \$35,000 regarding flooring repairs at the Patrick Senior Center be tabled until more bids are received. Upon Motion by Councilmember Keith Miller, seconded by Councilmember Jay Rhodes, it was unanimously voted to approve the agenda with the aforementioned change.

### **CITY COUNCILMEMBERS COMMENTS AND CITY MANAGER'S REMARKS**

Marilyn Sellers, City Manager announced that the next community meeting regarding Project South will be held on Tuesday, March 15, 2022 at 6:00 p.m. at the Patrick Senior Center. This will be a drop-in style meeting with staff and engineers available to meet individually with community members. Letters will be mailed out this Friday.

Also, the City is about six streets from having our next phase of street paving complete. This should be completed sometime next week.

### **MAYOR'S COMMENTS AND REMARKS**

Mayor Neisler asked Nick Hendricks to address the issues of higher power bills. Mr. Hendricks stated that the market in January for natural gas was very bad. Overall, the energy market is volatile right now; however, it seems to be leveling out somewhat. This month should be much better than what the citizens saw on their bills in January. The City of Kings Mountain does not profit from natural gas sales.

### **Kings Mountain YMCA Update**

Britt Phillips, YMCA Board member updated Council regarding the Jingle Bell Rockin' Run stating that this event brought participants into Kings Mountain from areas as far away as Orlando, FL. The basketball program is about to wrap up for this season, with participation

of 275 kids and over 40 volunteers. The YMCA is partnering with Gardner Webb University to host the All-Star games for basketball. Spring sport registration has opened with an expected 500 kids participating this season. There are hopes for adult volleyball and basketball programs during the spring, as well. There has been a huge increase in the usage of the YMCA for the senior age group. The YMCA is very eager to get back to doing classes at the senior center.

Mr. Phillips also updated Council regarding the after-school program. The YMCA recently received a grant to implement a new program, called AZI through Learning Innovations. This is helping with reading loss, which is a result of remote learning. The feedback from parents has been very good regarding this program.

Mr. Phillips thanked First Baptist Church, East Gold Street Wesleyan Church, and the City of Kings Mountain for their partnership through various programs. The YMCA is remarkably busy and 2022 will be a great year.

Councilmember Jay Rhodes stated that the YMCA had recently received a \$750,000 grant. He inquired as to how those funds would be spent. Kevin Osbourne, YMCA Director stated that this money will be an investment back into city owned property and would be used for lighting of the baseball fields, work at the soccer complex, and if there are funds left over, they would be used for improvements on the swimming pool.

#### **CITIZEN RECOGNITION**

No one signed up to speak.

#### **CONSENT AGENDA**

Upon motion by Councilmember Jay Rhodes, seconded by Councilmember Jimmy West, it was voted unanimously to adopt the following Consent Agenda:

- A. Minutes of the Special Meeting of January 13, 2022 and the Regular Meeting of January 25, 2022.
- B. Listed below are budget amendments which require Council approval:
  - Amendment in the amount of \$490,000 to advance money from the Gas operating fund to be repaid when loan proceeds are received and to transfer budget among expenditure line items in the Gas Capital Project Fund.
  - Amendment in the amount of \$289,935 to increase revenues in the ARPA Grant Project Fund budget based upon actual amounts to be awarded, and to reclassify expenditures among line items.
  - Amendment in the amount of \$15,000 to budget for a Kings Mountain TDA contribution for an eight-passenger utility vehicle for Special Events. Note the contribution was restricted for this purpose and was intended

for the 2020-21 budget; however, it was not shipped/invoiced until this fiscal year.

- Amendment in the amount of \$60,000 to budget for projected occupancy tax revenues and the corresponding pass through (expenditure) to the TDA. Note occupancy tax revenues are projected to exceed budget due to extreme conservatism in budgeting (unknowns of COVID impacts on travel/hotel occupancy at the time the budget was adopted last spring). Note the City essentially acts as a collection agent for the tax and is required by law to remit these taxes, less a 3% collection/admin fee to the TDA.
  - ~~Amendment in the amount of \$35,000 to budget for necessary flooring repairs/replacement at the Patrick Senior Center. The current condition of the flooring is creating a potential trip hazard. We are accelerating the flooring replacement as this was initially planned for the 2022-23 budget. Tabled until a later date.~~
- C. Schedule a Public Hearing for Tuesday, March 29, 2022 at 6:00 p.m. to consider a request from South Oak Partners, LLC to rezone property located on S. Battleground Avenue and consisting of 1.53 acres from Auto-Urban Commercial (AU) to Suburban Residential (SR) – Case No. Z-22-1.
- D. Schedule a Public Hearing for Tuesday, March 29, 2022 at 6:00 p.m. to consider a request from Morris Family Holdings, LLC to rezone property between David Baptist Church Road and Stony Point Road and consisting of 14.73 acres, 0.78 acres, and 0.97 acres, and being further identified as Cleveland County Tax Parcels 10869, 10867 and 48436 from Special Use Rural (SU-RU) and Suburban Residential (SR) to Heavy Industrial (HI) – Case No. Z-21-2.
- E. Authorize the Mayor to execute a Moss Lake Use Agreement with the Thursday Night Bass Tournament for 2022 to allow “Thursday Night Bass Tournaments” from 6:00 p.m. to 9:30 p.m. at Moss Lake beginning March 17, 2022, then every Thursday night until October 13, 2022. A final “Fish Off” is being held on October 22, 2022. This is a non-profit event. This event has been approved by the Moss Lake Commission. All boats are required to have proper Moss Lake permits, state registrations, and insurance.
- F. Authorize the Mayor to execute a Moss Lake Use Agreement which would allow the Cleveland Masonic Lodge #202 to host a Charity Bass Fishing Tournament on April 30, 2022 from 5:30 a.m. to 4:00 p.m. This event has been approved by the Moss Lake Commission. All boats are required to have proper Moss Lake permits, state registrations, and insurance.
- G. Authorize the Mayor to execute a Moss Lake Use Agreement which would allow the Eaton Bass Masters Club to host a non-profit event on August 13, 2022. This event would be held from 3:00 a.m. to 10:00 a.m. This event has

been approved by the Moss Lake Commission. All boats are required to have proper Moss Lake permits, state registrations, and insurance.

- H. Adopt **Resolution 22-02** to authorize the City Manager or her designee to execute all right of way and easement agreements.
- I. Motion to adopt **Resolution 22-03** indicating the Intent of the City Council to consider the redrawing of Ward lines for placement of annexed properties into the existing 5 wards and setting the date of Tuesday, March 29, 2022 at 6:00 p.m. for a Public Hearing to consider the adoption of an Ordinance amending the City Charter assigning the annexed properties.
- J. Adopt **Resolution 22-04** authorizing the donation of the following equipment, valued at approximately \$5,000 to ElectriCities, a Non-Profit Organization for use at their new training facility:
- (1) ABB, 15 KV Overhead Electronic Recloser and cabinet
    - Purchased in 2006. Since has been replaced by a new version and is no longer applicable for our specifications
    - Serial # R1158BCW10FE0C1N0000
  - (1) Siemens, 15.5 KV Substation Vacuum Circuit Breaker and stand
    - Purchased in 1991. Since has been replaced by a new version and is no longer applicable for our specifications
    - Serial # 45775-2
  - (3) Siemens, 5/8% Step – Voltage Regulators and Control Panels
    - Purchased in 1991. Since has been replaced by a new version and is no longer applicable for our specifications
    - 250 Kva 7620 Volts +/- 10% in 32 – 5/8% steps
    - Serial # 05496-45, 05496-38, 05496-34
- K. Adopt **Resolution 22-05** to create the Kings Mountain Recreation Committee and appoint the following members: Councilmember David Allen, Councilmember Jay Rhodes, Councilmember Jimmy West. The committee will also consist of one member of the Kings Mountain YMCA, Kings Mountain Elite, Kings Mountain Optimist Club, NC Crown Soccer Club and Cleveland County School District, which members are to be appointed by the organization.
- L. Approve the following appointment and reappointment to the Board and Commission listed below:

**ABC Board**

- Accept the initial appointment of Chip McGill to the ABC Board, with term beginning 4/1/2022 and expiring on 3/31/2025.

**REGULAR MEETING**

**Item 10 – Variance for Projection Lines for 166 Northshore Drive**

Ricky Duncan was absent due to a family emergency. Marilyn Sellers, City Manager addressed Council regarding this request stating that the Moss Lake Commission received a request from the property owners to replace the current structure, with a pier of the same projection. The current code and by-laws for the lake limit the projection to sixty feet. The new structure will be eighty-four feet, which will be a little wider but have the same projection. This request is to simply replace something that is already there. The Moss Lake Commission, as well as staff recommends approval of this variance.

Upon Motion by Councilmember David Allen, seconded by Councilmember Jimmy West, it was unanimously voted to approve the recommendation of the Moss Lake Commission regarding a Variance to the projection lines for 166 Northshore Drive, Cherryville, NC.

**Item 11 – Authorize Mayor to Execute the SRO Services Contract with Cleveland County Schools and authorize Chief Proctor to execute the MOU regarding SRO services**

Police Chief Lisa Proctor stated that a correction should be made on the agenda as to this item to replace “Student” with “School,” when referring to both documents. She stated that this is a basic memorandum of understating between the police department and Cleveland County Schools to provide officers to serve at the intermediate school, high school, middle school, and elementary schools. The contract is an item for the Mayor to sign that outlines the financial obligations, establishment of insurance and accountability of the officers. The MOU is to be executed by her, as Police Chief and outlines the responsibilities and duties of each agency.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Annie Thombs, it was unanimously voted to authorize the Mayor to execute the School Resource Officers services contract with Cleveland County Board of Education and authorize Chief Lisa Proctor to execute the Memorandum of Understanding as to the School Resource Officers service.

**Item 12 – Declaration of Ward Boundary and City Limit Maps**

Stuart Gilbert, Economic Development and Planning Director addressed Council regarding this matter stating that during the redistricting process the ward boundaries were done by mainly with GIS technology. This request is for Council to declare the ward boundaries of the City of Kings Mountain that were in place on December 31, 2021. The purpose of this is to allow the Planning staff to update the corporate limits and the ward maps to better clarify the corporate boundaries in the future as far as the US Census is concerned. He introduced Mark Helmken, the City’s GIS consultant, to present to Council the work that he has done to clarify the ward boundaries and correct the corporate limits with the US Census Bureau.

Mr. Helmken gave an explanation of the ward maps in the agenda package stating that map one is based upon the census tracts that City Council approved on November 10, 2021 which was a recommendation of the Redistricting Committee. One of the challenges with this is that

the census boundaries do not completely match with the city limit boundaries. This is reflected on map one, and there are 21 census blocks that do not match up. One of the census blocks in question happens to contain the Kings Row Apartments.

Map one was approved by Council in November; however, there was an additional task to be completed. This is the process of bringing the exterior boundaries of the wards into current coincident with our city property boundaries, and that is called conflation. The two maps were basically laid on top of each other, then determination was made of what needed to go where to make the lines more accurate. The interior boundaries were not changed. This process just addressed the exterior boundaries of the city. The result of this process is reflected as map two. This map also shows properties that have been annexed that have not been assigned to wards. None of these areas have any population, so it will not affect the population counts; however, as time goes on, they will. The conflation is completed and staff feels very comfortable that this is a good representation of the city's wards, as they fit within the city limits. If this meets Council approval, the accurate city boundary maps will be sent to the US Census Bureau so that the census blocks that they have are consistent with our maps.

Mayor Neisler asked about why the E5 property was put into ward four instead of ward one. Mr. Helmken stated that at the time, it was closer to ward four. It is an outlier and it can be changed. This would need to go through the same process as the parcels that are named in the Resolution that is part of the Consent Agenda. An item could be on the agenda for the March meeting to begin this process.

Councilmember David Allen stated that he feels that changing wards in the midst of an election season, may not be best idea. Although it makes sense, it may cause some confusion.

Councilmember Keith Miller gave a brief explanation of how the census block that contained Kings Row Apartments was handled since this is one of the blocks that was taken into consideration during the redistricting process. This action has no impact on how or where these citizens will vote. The 115 people that the Census said lived there are not included in our count of 11,157. They are included in ward four on the map and they vote in ward four. If Council wanted to include the 115 people in this area ward four, it would push the population of that ward too high and result in more juggling things around. Since this is not affecting any ones' voting rights or the racial percentage of the wards it is recommended that it stands as is. The city may need to go through the redistricting process again in a few years as development occurs. The real objective here is to get the approved data from our computerized GIS system sent to the US Census Bureau by April 1, 2022 so that their data can match the city's data.

Upon Motion by Councilmember Keith Miller, seconded by Councilmember Annie Thombs it was unanimously voted to declare the Wards boundaries of the City of Kings Mountain, known as of December 31, 2021, in order for Planning Staff to forward updated city limit and ward maps to the U.S. Census Bureau.

**Item 13 - Schedule a Public Hearing Regarding Text Amendments to the City of Kings Mountain UDO**

Stuart Gilbert, Economic Development and Planning Director addressed Council regarding this matter stating that this action is a result of the Work Session that was held previous to this meeting and will reconvene after this meeting. He stated that staff would work with legal counsel to make sure that the language for the advertisement is correct, and it will most likely repeal and replace the ordinance in its entirety. A recommendation on the text amendments discussed will be presented at the public hearing, if scheduled.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Mike Butler it was unanimously voted to schedule a Public Hearing for Tuesday, March 29, 2022 at 6:00 p.m. to consider text amendments to the City of Kings Mountain Unified Development Ordinance based upon discussion at the Work Session, which was held prior to this meeting.

Councilmember Keith Miller inquired regarding the typographical errors that may need to be corrected that are not necessarily material. Is there a need to authorize staff to make changes to these non-material typos if the ordinance will be completely repealed and replaced? Mr. Gilbert stated that he did not think that would be necessary.

**ADJOURNMENT**

Upon Motion by Councilmember Mike Butler, seconded by Councilmember Jay Rhodes, it was unanimously voted to adjourn at 7:01 p.m.

BY: *G. Scott Neisler*  
G. Scott Neisler, Mayor

ATTEST:

*Karen A. Tucker*  
Karen A. Tucker, City Clerk